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SOVIET PLANS for largely increased employment of foreign technical experts are announced. Of particular interest, Charles A. Gill, superintendent of motive power for the Eastern lines of the Baltimore and Ohio Railroad, and a supervising force of 150 other Americans are to put American railroad methods into effect on the Russian roads, with their 60,000 miles of line and 1,040,000 workers. The demands of the swiftly advancing Five-Year Plan, as is well known, have swamped Russia's transportation system during the past year, and it is stated that Mr. Gill and his associates will have at their disposal a budget of $1,700,000,000 for use during 1931 in the effort to meet the situation. It is a tremendous undertaking, and the decision to use American methods and technicians is one of great possible advantage to American industry, if we have sense enough to realize it. The employment of our engineers and other technical experts in the great Russian experiment is useful to both sides. Especially it will help us to a little better understanding of what is going on in the industrial development of the huge Communist state.

SUCH UNDERSTANDING is needed badly enough, heaven knows, with a new crop of Helsingfors rumors on Russian "convict labor" filling the front pages, and with fresh proposals for barring Russian goods being urged at Washington. We wish, therefore, that all Americans might read and ponder the words of Valery I. Meshlauk, acting chairman of the Supreme Economic Council, at a recent luncheon of the American-Russian Chamber of Commerce at the Bankers Club in New York. Mr. Meshlauk scouted the current idea of Russia being a trade menace:

> We want to increase the well-being of our people, not to compete with the world. Our domestic market is, under these conditions, constantly growing. . . . It is my belief that matters of ruinous international competition in wheat and other products could be solved by means of international agreements, in which the Soviet Union would willingly join. The U. S. S. R., by virtue of its vast natural resources, is in a position to produce most efficiently a number of materials which the rest of the world requires. And we are going to import from the United States for many years goods the production of which will not be developed in Russia for a long time to come. We are not going to destroy world markets. It is not to our interest to do so, for we want to import from and export to the rest of the world.

This horse sense is refreshing after the hysterics of our Oddies and Matthew Wolls and Hamilton Fishes and other industrial sob sisters. We have no taste for communism, and we see no evidence that Americans are inclined to that economic and political dogma. If the leaders of the United States, however, are unequal to the task of devising and working out a planned and ordered economic life, then their capitalistic order, we believe, will go crashing down to destruction. Any adequate plan must be world-wide in scope; it must therefore include in its scheme of cooperation the great Russian state.

THE DECISION OF JUSTICE ADKINS of the Supreme Court of the District of Columbia in the Clarion River power case sustains the right of the Federal Power Commission to determine immediately, and not after fifty years as contended by the company, the cost of projects under the commission's jurisdiction and subject to recapture at the expiration of the fifty-year license period. The opinion is such self-evident common sense that it is hard to see how any other contention could be seriously put forward, but the power companies stop at nothing in their efforts to keep themselves and their rates free of any effective public control. In this case the company claimed capital expenditures of $11,132,000 (all of which, of course, will figure in the rate base). Chief Accountant King questioned no less than $6,386,000 of this amount, calling on the company to show that the items in question had been "actually and legitimately expended." Small wonder that the companies would like to get rid of Mr. King, and would like to have their accounting deferred half a century till we are all dead. Attempted regulation is one continuous struggle against the greed of the power companies. Meanwhile the House refuses any appropriation to build transmission lines for Muscle Shoals power. Is that power also to be turned over to the private companies for exploitation?

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IT HAS BECOME THE FASHION to sneer at Congress and its works. Most of this Pecksniffian contempt has been aimed at the Senate and its many investigations. The other day Senator Moses of New Hampshire found it necessary to spread across twenty pages of the *Congressional Record* the detailed expense account of the Nye committee which has been looking into campaign expenditures. Chairman Nye declared he was "glad to have the report in the *Record*," although he objected "to the motive that places it there." This motive, as he saw it, was to give his political enemies a chance to show "how lavishly Nye lives when he is out on government expense." Whatever the motive, Senator Moses provided the critics of the Senate with another opportunity to sneer. As has become customary, the New York *Times*, from its high moral perch, led the chorus. Commenting on the fact that the committee had in nine months spent $96,503.12, the *Times* remarked: "That is a modest sum in view of the invaluable discoveries of Mr. Nye's investigators. We don't know what they expected to discover in some of the States which they visited as observers, but it is pleasant to know that they traveled freely, were well fed, and stayed at good hotels. Nothing is too good for Senators or their emissaries and collectors of information or surmise." Perhaps the *Times* meant it all in good fun. Certainly it did not intend to imply by its thin sarcasm that it would have been better to have saved this relatively small sum in order to have kept the lid tightly screwed down on such political scandals as the Grocer Boy Norris affair in Nebraska and the recent $1,200,000 election in Pennsylvania. Or do the critics really want these scandals and other violations of the Corrupt Practices Act suppressed?

GENERAL SMEDLEY BUTLER'S TONGUE at last has got him into serious trouble. It has often wagged indiscreetly. When the General, something over a year ago, in his jocular way told how the marines ran Nicaraguan elections in his day so that the right candidates were chosen, his remarks were "explained" to the satisfaction of the Navy Department, but when in a public address in Philadelphia on January 18 he charged Premier Mussolini with being a hit-and-run driver, that was a different matter, and a court martial has been ordered. An officer in active service, of course, bears a peculiar responsibility for public utterances, and the formal protest of the Italian Ambassador was both natural and proper. The Secretary of State, too, was perfectly correct in his apology for the "discourteous and unwarranted utterances by a commissioned officer of this government on active duty." The incident is disagreeable in every respect. Most fair-minded citizens will wish that if General Butler was to be reproved or punished for his public utterances it might have been done on some previous occasion rather than when he was repeating wild tales about the truculent head of the Fascist Government.

ON NOVEMBER 21, 1929, the White House announced that the big business men of the country had agreed "that they will not initiate any movement for wage reduction." That this agreement was not faithfully followed by big business we have only too much reason to suspect. There is, for example, the case of the Bethlehem Steel Company, which a few days ago asserted that "we have maintained our pay-roll force," but this was done only "through part-time operations." In other words, the wage scale was probably maintained, but Bethlehem Steel confesses that it has in fact reduced wages. And this confession came just a day after it was announced that the company's net earnings in 1930 totaled $42,242,980 as against $23,843,406 in 1929. Nevertheless, the prosperity howlers continue to pour out their false promises. Under date of January 3, Paul Block, the newspaper publisher, asked the managers of his various papers, among them the Milwaukee *Sentinel-News*, to "please notify every regular employee of the *Sentinel-News* that all their jobs are secure for 1931. We believe the business depression would be ended sooner if all employers acted in similar manner." Yet within a fortnight the editor of the Milwaukee *Leader* was able to publish evidence that a number of regular employees of the Block newspaper had been thrown out of work despite the January 3 instructions. In plain-spoken language the editor of the *Leader* asked Mr. Block how he justified this action in face of his dazzling promise to keep all his employees at work. Mr. Block replied that "of course, in assuring people that their positions were secure we did not mean that we will not replace incompetent help with competent help, and that general practices of good business administration will not be followed out." As the *Leader* editor pointed out, " 'good business administration' covers a multitude of sins."

GOVERNOR PINCHOT has announced his plan for getting rid of the coal and iron police, that unique private army of 1,100 men commissioned by the State of Pennsylvania but paid by private companies and responsible to them. When the commissions of the present force expire on June 30 next, the Governor would replace them "with officers selected and commanded by the Commonwealth and paid by it at company expense." It is not clear to us that the proposed changes will wipe out the long-standing abuses which have culminated in such incidents as the Barcoski killing of 1929. The Pennsylvania Civil Liberties Committee, affiliated with the American Civil Liberties Union, is opposing the Governor's plan and urging instead its own measure for outright abolition of the coal and iron police. The preservation of order and the protection of property are functions of the State, to be performed by its officers and not farmed out to private hirelings. Pennsylvania has a black record in the use of such hirelings with State sanction. It is full time to abolish them and to demand that Pennsylvania, like every other civilized community, do its full duty in respect to police protection.

TWO LYNCHINGS have occurred so far this year. One took place on January 28 in Shafer, North Dakota, when a mob took from the county jail the confessed murderer (white) of six persons, man and wife and their four children, and hanged him from a nearby bridge. The other ran more true to form. A Negro in Maryville, Missouri, had by his own admission assaulted and murdered a young white school teacher; although the National Guard was present and awaiting a call from the sheriff in case of attempted violence to the prisoner, no call was issued, the Negro was mobbed, chained to the roof of the schoolhouse, and the building burned about him. In both lynchings the victims were in jail, they had confessed to atrocious crimes, there was no doubt that they would be speedily punished to the full extent of the law. Yet the white man and the Negro, in the North and in the South, were left to the mercy of a murderous

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mob because local officials were not willing to do their sworn duty and protect their prisoners by force if necessary. Sheriff England of Maryville declared he did not call out the guard because he was afraid somebody might get hurt; Sheriff Thompson of Schafer said the whole affair was most discouraging. The Missouri House of Representatives refused to entertain a resolution condemning the county officials for not resisting the mob. By contrast, Governor Shafer of North Dakota calls the lynching in his State a "shameful act which destroys the good reputation of the State for law and order." It remains to be seen whether any citizen of North Dakota will be punished for it. In both cases lynch law is tolerated because local officials, backed up by local public opinion, tolerate it.

THE DANVILLE TEXTILE STRIKE was formally ended by the United Textile Workers on January 29, after a gallant four-months' struggle carried on by the strikers with extraordinary self-restraint in the face of overwhelming difficulties. The contest was waged primarily over the right of organization, and in calling off the strike union leaders asserted that the mill management had, in fact, conceded the principle by taking old employees back without raising the question of union membership. On the basis of an alleged agreement between representatives of the strikers and the brother-in-law of H. R. Fitzgerald, president of the mills, union members were assured by their leaders that they would be reinstated without discrimination. Mr. Fitzgerald, however, asserts flatly that the management has not entered into an agreement "of any nature, directly or indirectly, with any organization, individuals, or group of individuals," and that it is under no obligation to take back the strikers. This assertion of Mr. Fitzgerald's purpose to run his mills as he pleases is a flat denial of the implied claim of the union that some sort of concession has been secured from the management, and the organization, faced with a lost strike, is ready with charges of bad faith.

GANDHI and the working committee of the Congress Party, meeting in Allahabad, have decreed that the party will negotiate with the government only on four conditions: first, the granting of amnesty to all political prisoners; second, the withdrawal of all repressive measures; third, permission to continue "peaceful picketing" of foreign cloth, drink, and drug shops; and, fourth, permission to make salt during the period of the peace negotiations. In England Gandhi's refusal to modify demands which he has consistently said he would never modify has infuriated even so judicious a journal as the *Manchester Guardian* to the point of linking Gandhi, "the saintly politician," with Winston Churchill, "the mountebank," as the two "saviors" of India. Neither of them, in its estimation, will be of much help to the Round Table delegates in their attempt to persuade India to take a middle course and accept what England offers. The dictum of the *Guardian* may be irrelevant to realities in India, where Gandhi, for better or for worse, wields tremendous power and cannot be dismissed as lightly as a Churchill at home. As an indication of the possible future trend of public opinion in England and therefore government policy in India, where a new viceroy will shortly take charge, the *Guardian's* remarks are at least interesting. Meanwhile the "mountebank" has provided the "saintly politician" with fuel for his holy fire. In a recent attack on the Round Table results, Mr. Churchill said:

> It is this scheme which we are told that the Conservative Party will have to implement when it returns to office. Of course, we are sure there are all kinds of safeguards. What is given in word is taken back in fact; what is given with one hand is taken back with the other.

MRS. MARGARET SANGER, chairman of the Committee on Federal Legislation for Birth Control, announces that a bill has been introduced in the Senate and will, on February 13, come up for hearing before the Judiciary Committee permitting doctors to give contraceptive information to their patients at their discretion, to publish such information in medical journals, and to send and receive it through the mails. The ban on contraceptive devices is also, by the proposed bill, to be lifted if their distribution is under the control of physicians or properly licensed medical clinics. It is, of course, an interesting comment on American culture that such a bill need be introduced at this time, and that considerable opposition to it is anticipated. Yet it is obviously a long step forward from our present position, and it should be gratefully welcomed and generously championed by intelligent Americans. There is, of course, nothing in the bill that would make the giving or receiving of contraceptive information obligatory under the law. It is hard to see, therefore, just where ground for opposition to it might lie. Sincere professing Catholics, who will furnish most of the opposition, need have nothing to do with it. For the rest of the country it will afford relief for a state of affairs in which unjust discrimination is exercised against the ignorant and the poor, who are most in need of information.

WHEN SCHOOLS BURN DOWN, children ordinarily throw their hats into the air and shout for the vacation caused by the catastrophe. An instance of an exactly opposite reaction has just come to our attention. The Hessian Hills School, a progressive school in Croton-on-Hudson, New York, burned to the ground the other night, and within twenty-four hours nearly every child in the school had offered to help rebuild it. One offered pennies; many pledged allowances; one club of pupils offered to double the dues paid by every member so that the school might have "between $8 and $9 a month for the place where we will study next year." Another class voted to be "self-supporting" and buy paper, pencils, and a blackboard out of money in its possession. Here was the reaction of a new generation to a new type of education. No less exceptional, in view of the uninspiring character of much public and formal education, was the spontaneity with which the teachers seized upon the catastrophe for educational purposes. When some youngsters scratched down on paper plans for the new school, they were made the basis for lessons in arithmetic, geometry, mechanical drawing, and discussions on architecture. "What are schools for?" was one question asked. "How should the rooms, shops, auditorium, and so on, be located with respect to each other? What are the building problems of a school?" Maybe the new Hessian Hills School—if sufficient funds can be raised in a dark year to build one—will reveal some of the ideas worked out by the folks interested, the very children who will use it!

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Anarchy and the Red Cross

SHALL we have the anarchy Mr. Hoover and the Red Cross so clearly desire, or shall we have some sensible and responsible measure of social control in administering relief to the more unfortunate members of our society? Shall the government honestly and fully aid and protect the society which it was created to serve, or shall the state leave this, one of its more important duties, to Mr. Hoover's haphazard and irresponsible "American tradition" and "spirit of voluntary aid"? This is the real core of the battle between the Red Cross and the Senate. There is no fleeting political significance in the struggle, and no question of undue Congressional interference or domination is involved; the issue goes straight to the heart of the meaning of government.

Either the organized state has certain duties and responsibilities to its individual members or it has not. If we agree that it has, then government is not only within its rights, but is morally and legally obligated to extend protection and relief to those of the individual members of the state who are suffering or in distress because of the faulty functioning or the unavoidable misfortunes of society as a whole. A laboring man loses his job; he is willing to work; but because of economic circumstances beyond his control there is no work for him to do. Must he choose, then, between starvation and the occasional and illogical charity of private persons? Does the state, to whose rules and limitations he has submitted by keeping the peace, by paying taxes, and by offering his body in time of war, owe him nothing whatever when he falls upon evil times? Similarly, the hungry farmer suffering as a result of the drought is a member of society and has abided by its rules. Must he, too, be left to shift for himself? If we admit that the state has no duties, if we admit that society exists to serve government instead of government having been created to serve society, then it cannot be denied that Mr. Hoover and the Red Cross are right, for in that case we shall be admitting that government is not the creature of society, but has been superimposed upon it from above.

This sharp cleavage between government and the people, which in practice does actually exist even in this land of theoretical democracy, can serve but one end, and it is doing so in very effective fashion. It is serving the relatively few individuals and interests who own and control the government. They are the persons and groups who benefit by government through high tariff rates, government-protected monopoly rights, government subsidies. They get what they want out of government; when, however, government help might be of benefit to society as a whole, as would certainly be the case today in the matter of relieving the jobless and feeding the hungry, contemplated assistance from the organized state is roundly damned as un-American, unpatriotic, even socialistic.

But why is it that this heated denunciation should come just from the very individuals and groups who so greatly benefit by government? Why should the Boston bankers denounce Congressional relief as a "soul-destroying dole"? Why should the ultra-conservatives like Mr. Hoover condemn the Senate plan as being in conflict with "the American way of meeting such a relief problem"? Why should the copper magnate, the multimillionaire steel man, the banker's widow, and the other eight representatives of the conservative ruling class, members of the Red Cross central committee, vote unanimously to refuse the Senate's proffered $25,000,000? The answer is all too obvious. If the people learn that the government can help them in times of distress, if the people learn that the government is really their servant, the people may decide to use the government for their own purposes at other times as well. They might even go to the seemingly improbable length of taking the government away from the party owners and managers who now control it. And thus would the plutocracy under whose rule we have been living be brought to an abrupt but conclusive end. This is the essence of the whole struggle between the Senate on the one side and Mr. Hoover and his Red Cross on the other. The question is not one of whether relief shall be extended by Congressional or private charity; the question is whether government belongs to the people or to a few private individuals.

We find the Senate upholding social responsibility and social control. Society at the moment is confronted with a grave problem. Shall society be permitted to guide and control the solution of this problem through its own organized agency, the government? Or shall the solution be left to private agencies over which society exercises no effective, organized control? The Senate has elected the former course. Opposed to this we find Mr. Hoover and the Red Cross sponsoring anarchy as a substitute for social control. They want the government to abstain from ministering to the needs of society in the present emergency, preferring rather to keep this task in the hands of private charitable organizations. They are in effect estopping the government from exercising one of the fundamental duties of the organized state, so that in this province, with government absent, anarchy rules.

It has been argued that governmental relief, to use Mr. Hoover's own words, would mean "playing politics at the expense of human misery." Although we confess that under our present party system this is possible, we cannot grant that the kind of politics Congress might play would be any more "soul-destroying" or any more misleading and deceitful than the type of politics the White House and the Red Cross have been playing. The President tried as long as he could to minimize the extent and the consequences of unemployment. His apologists in Congress denied that there was widespread suffering in the drought areas. Judge John Barton Payne went before a Senate committee with the same tale, declaring that the Red Cross was amply equipped to handle the situation. Yet the force of undeniable truth, coupled with the heroic efforts of a few Senators, ultimately prevailed and a call for a $10,000,000 relief fund was issued. In the end Mr. Hoover and Judge Payne were compelled to admit, though even then only by implication, that while hunger and hardship were spreading they were deliberately blocking all but the most essential attempts at relief. If this cannot be called "playing politics at the expense of human misery," we do not know the meaning of that phrase; and as we have already seen, this Hoover-Payne kind of politics serves the purpose of keeping the capitalist class securely in control of the government.

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The British Labor Puzzle

THE British public, it is reported, is much at sea regarding the probable future of the MacDonald Government. There may well be confusion and apprehension, for the recent alternation of successes and rebuffs is rather bewildering. When Parliament reconvened on January 20, confident predictions were heard that Stanley Baldwin's New Year's wish for a speedy downfall of the Labor Government would be realized in about three weeks, in which case there would probably be a new election, but the hope was dashed on the opening day by Mr. Baldwin's bland remark that "there is no prospect of a general election now." Within twenty-four hours the combined opposition, in an exceptionally large attendance of the Commons, rolled up a majority of thirty-three against the Government on an amendment to the education bill, but Mr. MacDonald declined to see in the amendment any question of principle—the amendment postponed the operation of the bill until satisfactory grants for the support of sectarian schools were assured—and business as usual was resumed.

On January 26, five days after this rebuff in the House, Mr. Baldwin for the Conservatives and Sir John Simon for the Liberals lauded the work of the India Round Table Conference, Mr. Baldwin going so far as to pledge the Conservatives to the enactment of a law giving India a constitution in case his party should return to power. The only important dissent was voiced by Winston Churchill, who presently followed his attack by resigning from the Conservative "shadow Cabinet," thereby setting the tongues wagging over the possibility of a Conservative split. Before many hours had passed Sir John Simon was launching a broadside attack on the trades-disputes bill, only to see the bill pass on second reading by a vote of 277 to 250, and then sent to committee of the whole by a comfortable and comforting government majority of sixty-seven.

With the India program meeting the approval of a heavy majority of members of the two other parties, and with the trades-disputes bill speeded on its way, political prophecy affects to see Mr. MacDonald's position secure until April, when the budget will be submitted. The outlook for plain sailing, however, is anything but clear. Mr. MacDonald is still, as he has been all along, dependent upon the active support or benevolent neutrality of the Liberal minority. In the division on the trades-disputes bill, on January 28, all but nine of the Liberals present abstained from voting, while eight of the nine voted against the bill and one stood with the Government. Lloyd George's tactics are obvious. He is not going to help the Labor Government reinstate strike privileges, nor contribute to any prestige that may follow the passage of an education bill raising from fourteen years to fifteen the age at which British children may leave school. The only part of the Labor program that offers him any advantage is the electoral-reform bill, a measure providing for a form of proportional representation under which, it is believed, the Liberal representation in the Commons would be materially increased. As long as there is a chance of gaining that advantage, the Liberals are not likely to join the Conservatives in throwing Labor overboard.

Mr. MacDonald, accordingly, must steer his course with an eye on the Liberals. Between Conservatives and Labor there is, of course, an impassable gulf. Within the Labor Party, however, there is dissension. The Independent Labor following, perennially rebellious, grows increasingly restive over the slow approach of socialism, and Sir Oswald Mosley and his supporters would like to experiment with a super-Cabinet whose powers would be essentially those of a dictatorship. For this latter solution of the nation's difficulties, if the conclusions of C. E. M. Joad in a remarkable article in a recent issue of the *Political Quarterly* are to be accepted, there is significant favor among the younger British voters.

Mr. MacDonald probably feels the usual pride of high office, and accordingly seems disposed to ape other politicians in fighting to the last ditch to keep his place and refusing to resign as long as there is any chance of holding on. He may be expected to capitalize for political purposes the work of the Round Table Conference, especially now that his enemies have bestowed benedictions upon it, and to insist that the London Naval Conference achieved important results. The addition of a year to the period of required school attendance has already been pointed to as a relief of unemployment notwithstanding the added burden to the Treasury, and proportional representation can be defended as better than the present system. The failure of the Imperial Conference is embarrassing, but Mr. MacDonald is enough of a free-trader to make it appear that he preferred to let the conference fail rather than sacrifice an economic policy which the Liberals, as it happens, also approve. Even the wrath of the Labor dissenters can be made to praise him, for the radicals of the North may usually be counted upon to be raucous in urging their dissent.

The difficulties of the Labor Government are much the same as those which beset most governments at the present time—an inability to find sensible remedies for economic distresses which are not merely national but world-wide, and hesitation or compromise in crucial domestic matters. The vast unemployment in Great Britain is not to be laid at Labor's door, but the dole at best is only a palliative and its crushing financial burden points toward disaster. A great strike of cotton weavers and coal miners is nothing that a Labor Government could have desired, but the "rationalization" of industry which the Government would like to bring about means the closing of unprofitable mines, more labor-saving machinery in factories, and more goods at lower cost for world markets already overstocked. It is hard to see in the past eighteen months or so of British Labor policy any wisdom in meeting the economic crisis that merits greater praise than can be given to governments that do not bear the Labor name. Until the problem is approached with more fundamental intelligence and courage than Mr. MacDonald has shown, there seems little reason to think that his Government may not continue indefinitely from mere lack of a better. There is equally little reason to think that it may not be turned out at any time.

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On the Air

THE National Broadcasting Company in 1930 took in $22,000,000, an increase of more than 50 per cent over its 1929 takings. The 2,000,000 letters that poured in were nearly six times as many as those received four years earlier. The company had 263 "clients" (advertising sponsors), 54 more than in 1929. The President spoke over the network twenty-seven times last year, more than twice as often as in 1929, and in addition 328 government officials made 850 addresses. So the figures run. It is all very gratifying. Best of all, the whole thing has happened since the war and is still growing.

To be sure, there are those who complain. They point out that the radio opened a new world of amusement, education, and cultural possibilities, and that in the absence of any effective control the profit-makers promptly preempted the whole territory, just as they had preempted land and forests and mines and oil and water power before. Having appropriated the air, they promptly sold it to the advertisers. They sold time and more time for money and more money, till now the man who wants the coast-to-coast chain of both big systems pays $20,000 an hour for it. This is the heart of the matter. The 263 program sponsors pay the National Company's bills and give it its profits. Despite the company's use of unsponsored time, therefore, the needs of advertisers inevitably limit the policies of this and every other commercially successful American broadcasting concern. The American listener must hear chiefly what makes for advertisers' profits, and must stiffen his sales resistance against tooth paste, soap, and shaving cream, cigarettes and department stores and hardware and radiators. We permitted the creation of a great private vested interest in the air, which was sold to advertisers, thus binding the companies hand and foot. And all this seems more or less inevitable to us.

But there is nothing inevitable either in what we have done or in the kind of programs from which American radio audiences suffer. In an admirable article on this subject in the January *Atlantic* Professor William Orton of Smith College calls attention by contrast to the work of the British Broadcasting Company, a public monopoly supported not by advertisers, but by a two-dollar annual license fee from owners of receiving instruments. Its programs not only provide entertainment for the mass of people, but also offer nourishment to the minority whom our system necessarily forgets.

> In England [says Mr. Orton] . . . I could obtain at least one full orchestra program every night, including whole evenings of Bach, Beethoven, Wagner, and modern work . . . I could listen to Eugene O'Neill's "Ile," to a first-class debate on the international-language question, to various lectures, including Dean Mozley on Christian theology and Mr. Francis Birrell on the cinema. . . .

But why go on? The point is simple. The British did not simply turn over the air to anyone who wanted it as a means of profit, but put it under social control for civilized purposes. Their scheme works. It deprives nobody of the ordinary radio features, but does not reduce the whole art to the mental "level of thirteen-year-olds," as our commercialized system inevitably does. On the air the honors certainly do not rest with our chaotic American system.

Higher Learning

IN refreshing contrast to the numerically large and financially impressive reports of certain university presidents to their trustees—and incidentally to the newspapers—comes the announcement of the Institute for Advanced Study under the donorship of Louis Bamberger and Mrs. Felix Fuld. The purpose of the institute, as described in a letter to the trustees, is "the pursuit of advanced learning and exploration in fields of pure science and high scholarship." No degree except the Ph.D. or professional degrees of equal value will be awarded, and it will be unique in the United States in being an institution

> . . . where scientists and scholars devote themselves at the same time to serious research and to the training of competent post-graduate students entirely independently of and separated from both the charms and the diversions inseparable from an institution the major interest of which is the teaching of undergraduates.

The donors have chosen Dr. Abraham Flexner as director of the institution, and both his professional standing and his recent sharp criticism of American universities will be assurance that the new organization will have a good chance of avoiding the pitfalls which threaten the modern "business" university. Dr. Flexner announces that there is no need for haste in beginning the work of the institute; that patience and wisdom in assembling a faculty are of far more importance than that classes begin with the new school year. Among faculty as among students no account is to be taken "directly or indirectly, of race, religion, or sex." Dr. Flexner is enough of a practical man of affairs to know that a desirable group cannot be assembled without assurance of adequate financial recompense.

> Poor salaries [he declares] frighten off the abler and more vigorous and compel the university instructor to eke out his inadequate income by writing unnecessary textbooks or engaging in other forms of hack work. . . . We should endeavor to attract into the institute a small number of scholars and scientists who will be free from financial worry and concern, who will live and work amidst conditions favorable to intellectual activity.

So much for the faculty. The students are to be chosen because of their announced desire to undertake serious and advanced study. "They will not," says Dr. Flexner, "in so far as we can judge and select, be immature or uncertain; nor will they in any department of intellectual activity be so numerous as to distract the members of the faculty from their own creative tasks."

This ideal, of course, lies directly across the aim of most American universities, in which so strong an emphasis is laid on number of students. The institute, moreover, lays all its stress on pure scholarship, abstract science, disinterested research. Nothing practical about it, nothing modern, nothing that even remotely suggests "good business." No president of this university will ever issue a report declaring his to be the largest institution in the country, nay, in the world. Probably no president will claim for it the largest endowment. If the generous promise of its founders and its director is realized, however, its influence on American culture may be immeasurable.

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The Banks of New York

By NORMAN THOMAS

ON the morning of December 11, 1930, the New York Superintendent of Banks closed the doors of the Bank of United States. The bank had fifty-eight branches and upwards of 400,000 depositors. It served four boroughs of the City of Greater New York and had an unusually high proportion of poor folks as depositors. More than 50 per cent of the deposits were in thrift accounts. It has been publicly stated that 350,000 people have deposits in the bank averaging $400 or less. Obviously, the failure of such a bank in a winter of bitter unemployment was a social tragedy of great dimensions.

The newspapers, acting from the best of motives and at the urgent request of men high in the banking world, played down the story of the failure and, at first, played up optimistic prophecies of the reopening of the bank's doors through reorganization, merger, or sale to some other bank. Failing that, at least the ultimate payment to depositors of one hundred cents on the dollar was sure. But the banks of the Clearing House backed up no such rosy hopes by their deeds. The best they were able to offer was a loan up to 50 per cent of deposits, which loan was to draw 5 per cent interest. Since the Clearing House member banks were paying at most not more than 2 or 2½ per cent for this money, and since the demand for money just now is not great, it will be seen that this generosity was not only safe but profitable. Now, some seven weeks after the failure of the Bank of United States, no one is indulging in optimistic hopes of its reopening or of its paying depositors one hundred cents on the dollar. Superintendent Broderick's inventory of the bank's resources indicates the loss, impairment, or "freezing" of about $75,000,000, or nearly a third of its assets.

There has been no epidemic of failures of New York banks, and unquestionably the strong banks will henceforth go to great lengths to prop their weaker brethren in New York City. Nevertheless, lack of confidence following the failure of the Bank of United States has resulted in a pronounced withdrawal of deposits even from sound banks.

It is already possible to apportion blame for the fiasco of the Bank of United States to a great many individuals and groups, some of whom have no use for the others. It may simplify a tangled story to discuss it in terms of the responsibility, first, of the bank itself, second, of the State of New York, and, third, of other banks.

1. *The Bank of United States and Its Directors.*—It now appears that the bank was conceived in sin, born in iniquity, and nourished on unrighteousness. Thousands of depositors, especially those coming from other countries, thought that the bank was a government institution. The Superintendent of Banks, Van Tuyl by name, who permitted the bank to take this imposing and misleading title, shortly afterwards resigned to become an officer in it. In the boom times when the whole financial world went more or less mad, the Bank of United States grew not only through its own aggressive policy, but through various mergers with existing institutions, the stocks of which were bought or were replaced with the stock of the Bank of United States at extraordinary prices.

It now appears that these were not anything like the worst features of the situation. President Bernard K. Marcus, Mr. Saul Singer, and their particular buddies on the board of directors of the bank went into the popular game of organizing affiliates in a big way. When the crash came, the Bank of United States had sixty affiliates. Some of them were formed for specific purposes—for example, to negotiate a single real-estate transaction. Occasionally these real-estate corporations leased their property to the bank for branch buildings at exorbitant rentals, which were capitalized in the value of the property for the purpose of getting mortgages and loans on it. So many were the bank's affiliates that the officers ran out of handy names and were thinking of calling on the man who names the Pullman cars, until one of them, who had been in France, thought of the bright idea of using the names of streets in Paris.

Of these affiliates four were of fundamental importance in the complicated business of buying and selling and rigging stocks in which Mr. Marcus and his colleagues indulged. All four are now in bankruptcy, with the bank as a chief creditor and amazingly few liquid assets in sight. Of the four the basic ones were the City Financial Corporation and the Bankus Corporation. I have not space to tell of the complicated and ingenious relationship between these two corporations and the bank. The whole story has been well told by John T. Flynn in the *New Republic*. Suffice to say that after Mr. Marcus had got through playing with his companies, the City Financial Corporation dominated both the bank and the Bankus Corporation. On a boom market it was making money. Mr. Marcus and his friends carefully arranged that they, as holders of the Class B stock, got most of the profits and all the power. To these two important affiliates Marcus now added the Municipal Financial Corporation, again with Class A and Class B stock. The bank's officers were the Class B stockholders, who got the 47 per cent profit. The ordinary stockholders of the Bankus Corporation, who were also stockholders in the bank, got 6.75 per cent. Even this was not enough, however. A syndicate which included the principal officers of the bank, Mr. Kresel, a director and its general counsel (of whom more later), and Mr. Samuel Levy, recently elected Borough President of Manhattan, was formed to trade in bank stock. This structure of affiliates and syndicate controlled by the bank's officers had immense power, as long as a boom market was on, to rig the price of stock. When the market crashed, the members of the syndicate, it appears from press reports, were caught—with the exception of Mr. Levy, who proved his fitness for his present high office by knowing when to get out. All this, as Mr. Flynn points out, was not of itself illegal under present banking laws. Perhaps later investigations, or some of the inquiries now afoot, may show illegal transactions, but it is entirely possible that the only crime of the officers was failure. Personally, I have so much confidence in the astute Mr. Kresel, who was chief adviser to the bank, or rather to its directors, that I

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question whether even the astute Mr. Steuer will finally land any of the directors in jail.

Let no one think, however, that Mr. Marcus and his friends, who thus juggled stocks, were unwilling to let the humble depositors of the bank in on a good thing—especially after it had become less certainly good. In the summer of 1929 the bank opened a high-pressure sales campaign to sell units of bank and Bankus stock to depositors. One of its own directors, the plunging Mr. Rosoff, has publicly testified that he was "Mr. Sucker" and "Mr. Sap" in the series of transactions connected with the sale of the stock. He could afford it a great deal better than the small storekeepers and workers who were persuaded by a circular of the bank and by eager branch managers to buy these units of stock with a promise, in many cases, that the bank would buy back the stock if it fell below 198. This was just before the market broke, and it is to be hoped that some of the various investigations will discover just how many officials unloaded on the poor depositors. As matters now stand, many small depositors have not only lost on their deposits but as stockholders they face a possible double liability for par value of their stock. These lambs are likely to be not merely shorn but sacrificed.

As usual, the ordinary rank-and-file directors, chosen for their business and political affiliations, are now testifying that they did not know anything about what the bank was doing. Yet it appears that many of these directors successfully borrowed money from the bank on vague security far in its excess of their deposits, which means that they are well insured against the loss that has overtaken the ordinary depositor. The poverty, moreover, of these directors, all of whom profess to have lost heavily in the stock market, has not prevented them from employing the most expensive lawyers in the city, including Messrs. Tuttle, former candidate for governor in New York State, Proskauer, recently of the Supreme Court and the Smith kitchen cabinet, Buckner, of much fame as a prosecutor, and John W. Davis, more fortunate as lawyer than Presidential candidate. It is not known that these lawyers are donating their services.

2. *The State of New York.*—Banking is not an unregulated enterprise. Long ago, through sad experience, the public learned that capitalist honor, the automatic laws of competition, and the zeal for profit were not sufficient protection for money intrusted to bankers. New York State is blessed with a banking law and a banking department, and also with divers and sundry prosecuting officials. Moreover, New York's Banking Department was supposedly purged of wrongdoing and warned against bad banking tactics as a result of the lurid history of Clarke Brothers, private bankers, who—a fact unknown to most of the depositors—were not subject to the Banking Department under New York's inadequate banking law; and the episode of the City Trust, which was subject to the department. The City Trust affair resulted in the conviction of Bank Superintendent Warder, who, even though he was defended by the famous Max D. Steuer, was finally sent to jail by the Court of Appeals shortly after the Bank of United States was closed. Mr. Warder's conviction, be it said, was not due to the zeal of Tammany prosecuting officials; it was a necessary consequence of an unusually efficient investigation of the Banking Department in relation to the City Trust affair which was ordered by Acting Governor Lehman under the Moreland Act, with Robert Moses acting as commissioner.

Mr. Moses's vigorous report laid a solid basis for substantial reform. In particular, he demanded that thrift accounts be given the protection accorded to similar accounts in savings banks, and denounced the whole practice of allowing banks to set up affiliates and finance them with depositors' money to the profit of the acting officials of the bank. Mr. Moses also let it be known to newspapers, to the legislature, and to the Governor that other banks would go the way of the City Trust if his recommendations were not carried out. In testimony before a legislative committee he pointed a warning finger at the Bank of United States, but his testimony was kept off the record by the committee. Even more amazing was Governor Roosevelt's attitude. He appointed a commission of his own to consider Mr. Moses's report. It is understood that originally he intended to put Mr. Moses on the commission, but in the end he omitted Mr. Moses's name altogether and appointed Mr. Henry Pollak, a former State Senator and a director and counsel for the Bank of United States. No wonder that both the Governor's commission and the legislative committee almost completely disregarded the Moses report and solemnly concluded that everything would be all right if everybody would put his money in a sound bank.

Although the Moses report fell short of achieving the necessary reforms of the law, the investigation did bring about some reorganization of the Banking Department and the appointment of Mr. Joseph A. Broderick as superintendent. Mr. Broderick has had much experience in the Banking Department and in banking. Neither his knowledge of banking nor his personal honesty has been questioned. Since the failure of the Bank of United States he has thrown together a great number of recommendations for changes in banking law and procedure. Some of them are repetitions of suggestions already made by Mr. Moses. One of them is the extraordinary suggestion—which Mr. Broderick makes number one in his series—that in emergencies the superintendent be allowed to arrange mergers without the consent of the stockholders but with the consent of the directors. He says that if this provision had been enforced the Bank of United States could have been saved. This is probably true, but the law appears rather naive in its faith that, in an emergency, putting three cripples together will produce a strong man, or that a strong bank will always be ready to buy a weak bank. It is a striking commentary on banking under capitalism that a banking superintendent should make his chief concern, not the problem of keeping the system healthy, but the right to administer oxygen in an emergency.

Admitting Mr. Broderick's general good intentions, it remains true that he took some serious risks in the hope of saving the Bank of United States. He now says that for fifteen months he knew that the bank was shaky. Yet a few days before the bank was closed he permitted the opening of a new branch, and he allowed the bank to circulate a financial statement on September 24 showing that it had capital, surplus, and undivided profits of $42,000,000, which equaled 20 per cent of the deposits and was twice the amount required by the banking law. That is to say, the bank was, on the face of things, in unusually good condition. It is now known that weeks before this report was circulated the State examiners had marked off as doubtful items a total equal to the entire surplus and undivided profits.

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They had also declared that some of the capital had been impaired. Obviously, in the face of such a showing Mr. Broderick should not have allowed the statement of September 24 to be circulated.

In spite of the statement of September 24, rumors of the real state of the bank were widely current and about sixty million dollars of deposits were drawn out in the two and one half months preceding its failure. Mr. Broderick must have known the effect of such withdrawals. To make matters worse for the Banking Department's reputation, the State Bank in Binghamton, New York, which appealed especially to immigrants—note again the misleading name—had to be closed, having been apparently so completely looted by its own president that it is doubtful if the depositors will get much more than five cents on the dollar. In the face of all this Governor Roosevelt has steadily refused my requests that he order a further investigation under the Moreland Act.

Instead of a Moreland Act investigation we have under way an inquiry by the Attorney General into the question of the sale of fraudulent securities under the Martin Act, and by District Attorney Crain into possible criminal action by officers and directors. These inquiries are of themselves proper and necessary. It should be noticed, however, that they do not and cannot go to the root of the matter, and that the Crain investigation is limited by law to the one county in which he is District Attorney, out of the four counties in which the bank operated.

Still worse is the political aspect of the situation. Tammany, as some cynics have observed, has thrown over prostitution as its leading racket and taken up banking. Certainly the records of the City Trust and Bank of United States indicate it. The directorates in both cases were loaded with Tammany politicians. The city kept a million and half of its money in the Bank of United States until the bitter end. Not all, however, of the directors of the Bank of United States were friends of Tammany. Tammany hates Mr. Isidor Kresel, chief counsel of the bank, with a deadly hatred because he has been an efficient counsel in the Seabury investigation into magistrates' courts. Moreover, it would be political suicide for Tammany not to appear deeply concerned over the fate of more than 400,000 depositors. Hence the venerable but politically shrewd sachem and District Attorney, Thomas C. T. Crain, has had to add one more to his numerous investigations beginning with the Rothstein case, all of which when they touched politics and racketeering have resulted in failure. There was ready to Mr. Crain's hand that very able lawyer, high in Tammany's graces, Max D. Steuer. Mr. Steuer at various times has been counsel for Mr. Marcus and had been involved in considerable litigation affecting the bank. His wife was well-enough informed of the state of affairs to draw out her $53,000 in deposits after banking hours on the last day of the bank's life. Early in proceedings after the crash Mr. Steuer occupied the limelight as counsel for a stockholders' and depositors' association. Just how he can identify the interests of stockholders and depositors beyond making the directors pay up all that they can, it is difficult to see. Obviously, it is to the interest of depositors who are not stockholders to enforce the liability of those who are stockholders. To this complicated set of relations with bank affairs Mr. Steuer adds a long-standing personal feud with Mr. Kresel.

It was this Mr. Steuer whom Mr. Crain made special assistant in complete charge of the present investigation, and for whom the Board of Estimate cheerfully voted $100,000 for expenses, Mr. Steuer's own salary being $1 a year. The young Attorney General also made Mr. Steuer a special assistant, so that the two investigations were consolidated. Of course the first thing the bank lawyers did was to seek to enjoin Mr. Steuer's acts as an assistant attorney general in view of his previous relations with the bank. This move failed in the lower court but an appeal may be taken.

Mr. Steuer, who has heretofore made his reputation by defending gentlemen like Harry Daugherty, Maurice Connolly, and Frank Warder, will now have a chance to use his great skill to handle a difficult situation—that is, if he is allowed to go on. It is expecting almost too much of our poor human nature to think that he will rise above the temptation to use this inquiry to win for himself credit as a friend of the people, to hurt his personal enemy Mr. Kresel, to discredit that gentleman's investigation into the magistrates' courts, and to save Tammany's chief friends on the board of directors of the Bank of United States. That latter job is easier than it may look to a layman because of the weakness of the banking law, which does not make directors criminally liable for much, if anything, short of outright theft or forgery.

3. *Other Banks.*—There prevails in banking circles plenty of condemnation for the Bank of United States in general and for Mr. Marcus in particular. Mr. Marcus is accused of shopping around with his stocks when sixty days before the failure he might have made an arrangement which would have saved the bank. Doubtless there is not much to be said for Mr. Marcus. But neither can one say very much for the big banks. It would have paid them in public confidence to go farther than they did to save the banking situation, even if some of their rich directors had lost a little money in the process. As it is, they are making money out of their alleged generosity in loans. Still worse is the fact that it was the big and strong banks themselves that originated the whole complicated game of security companies and other bank affiliates, that is, of buying with one hand and selling with the other. Doubtless they carry on the game more skilfully and perhaps more honestly than Mr. Marcus and his associates. But their interest in the game was such that they successfully blocked any legislative action such as Mr. Moses recommended. Certainly they are not now encouraging the discussion of more effective regulation, and there was considerable consternation in financial circles when Dr. Max Winkler, himself a banker of standing, proposed at a luncheon of the League for Industrial Democracy a system for setting up a fund to guarantee depositors against loss.

Such is the story in outline. It can be matched or perhaps exceeded in folly by stories of bank failures in other parts of the country, especially by the terrible crash in Tennessee for which that politician and newspaper editor Luke Lea seems to bear so heavy a burden of responsibility. Banking is in a bad way in a country where more than 1,300 banks closed their doors in a single year, 1,100 of them under circumstances which permitted no reopening. Yet the stronger bankers are the principal masters of America. What this suggests, a Socialist whose space is now exhausted will leave to the imagination of his readers.

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Food and Drink in Washington

By PAUL Y. ANDERSON

Washington, January 31

THE conflict between Congress and the President over appropriating money to feed the victims of drought and unemployment is rapidly degenerating into a blood feud in which compromise will be impossible. Ridden by that curious fatality which seems to attend all his major decisions, Hoover has elected to stand and fight on ground which cannot be defended. Some subjects are debatable, but a satisfactory apology for starvation has yet to be discovered. If the first duty of a government is to protect the lives of its citizens, how can it be argued successfully that famine sufferers should be compelled to rely on private charity? Knowing the answer, the wise men of the Republican Party have expostulated with Mr. Hoover until their throats are dry and their tongues parched. He has been told that public opinion is shocked by his attitude, that his present position cannot be reconciled with his past record, and that the members of his own party in Congress are overwhelmingly opposed to his course. In the House, dumb and docile as it is, such a callous cynic as Boss Snell of the Rules Committee privately acknowledges that about 5 members out of 435 are honestly in sympathy with the President. But all protest is vain. The same Herbert Hoover who fed the starving Russians, Belgians, Rumanians, Bulgarians, Hungarians, and Serbs at the expense of the United States Treasury insists it would be a crime to feed starving Americans that way. Thus he not only courts political ruin for himself and his party, but also involves the Red Cross by making it a partisan to his side of the controversy. It will be a long time before that organization recovers from the charge of permitting itself to become a political subsidiary of the Administration in this instance. Nevertheless, the situation has its bright side. Eventually the Administration will be compelled to surrender, and the sum ultimately appropriated for hunger relief is likely to be nearer $50,000,000 than the $15,000,000 first asked by the Senate or the $25,000,000 which it asks now. Meantime, the President's attitude has done more to increase the prospects of an extra session than anything which has happened since the present session began. A few days ago Representative Kahn, that witty and charming old lady from California, was asked whether the Republicans were counting on the Democrats to make the usual mistakes before the next election. "Have we left them any?" she replied.

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HOOVER'S stubborn stand on hunger relief is in strange contrast to his frantic attempts to hedge on prohibition. Prior to the appearance of the Wickersham report he had definitely decided to cast his lot with the drys in 1932. He made that perfectly plain in his message of transmittal by declaring flatly against repeal or revision and by reiterating his intention to enforce the law. Yet such was the reaction of Eastern Republican leaders and such was its effect on this strong man that within forty-eight hours various newspapers carried Washington dispatches explaining that he had been "misunderstood," that he still had "an open mind" on the subject, and that he was not nearly so dry as his message sounded. Among the papers printing this explanation was the New York *Times*, which attributed it to "a close friend of the President." As a matter of fact, the President's "close friend" was his political secretary, Walter Newton. After the White House had been inundated with protests from Republican wets, Mr. Newton called certain correspondents to his office and gave them this moist "explanation," although with the candor characteristic of this Administration he forbade them to reveal its true source. Simultaneously Mark Sullivan, the President's closest journalistic associate, issued a syndicated article explaining that "any lawyer would understand" that Mr. Hoover had not definitely committed himself for or against revision in some form, but merely against the particular form approved by a majority of the commissioners. Moreover, he likened the President's position to that of a court which declines to render an opinion on a question which is "not before it." He did not state what would be necessary to bring the prohibition question "before" President Hoover. A few days later Frank R. Kent, whose reputation as an expounder of the Hoover mind approximates Sullivan's, predicted in the Baltimore *Sun* that as soon as the time seems propitious the Chief himself will make some gesture further calculated to appease the wets but not sufficient to alienate the drys. In short, the President's one consuming aim in connection with prohibition is to discover the winning side and get on it, or failing to be sure which is the winning side, to get on both sides. If there has been a more ghastly exhibition than this I do not recall it.

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THUS far nobody has advanced an intelligible explanation of the outstanding mystery raised by the Wickersham report. In the individual reports signed by Judges William I. Grubb and Paul J. McCormick they dissented explicitly and in plain language from a recommendation which they presumed to be in the general report signed by them and eight other commissioners, but which in fact does not appear in the general report. Judge Grubb stated: "I join in the findings of fact and all the ultimate conclusions of the general report of the commission except that recommending that the amendment be revised immediately without awaiting further trial." Likewise Judge McCormick stated: "I am in accord with all the conclusions and recommendations [of the general report] except that in which a revision of the Eighteenth Amendment is suggested immediately." Nowhere in the general report is it recommended that the amendment be revised immediately. Under the head of Conclusions and Recommendations appears the statement: "All the commission agree that *if* the amendment is revised it should be made to read as follows," whereupon it gives a tentative form. That is all. It is obvious that these commissioners had read what they supposed to be the final draft of the general report when they prepared their individual reports. It is obvious, moreover, that they were distinctly under the impression that it contained a recommendation for immediate revision. Did it once contain such a recommendation, and was it deleted without their knowledge? Or was it deleted with their knowledge and did

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they forget to make their individual reports conform to the change? If such a change was made, at whose instance was it made? These questions are important and they have not been answered. The general report itself is full of interesting contradictions. The commission recommends changes in the law to prevent home wine-making—and then declares it is a practical impossibility to prevent either home wine-making or home brewing. It states that such a law cannot be enforced without public support—and admits that prohibition lacks such support. It declares against repeal—and states that "as things are at present, we have virtual local option." It recommends further increases in enforcement personnel and equipment—and declares that if Prohibition Commissioner Woodcock receives all the additional help he is asking, we shall still have "State nullification." The document abounds in internal evidence of a definite conflict between commissioners who had been impressed with the unenforceability of prohibition and someone who was determined the report should not be "too wet." This conflict explains much of the glaring incongruity between the statement of facts and the recommendations ostensibly based on them. The wets may be inclined to take comfort from the forthright manner in which the commissioners denounced the various under-cover methods which have brought enforcement into disrepute among respectable citizens. Let the wets take notice that within a week after the House received the report it voted overwhelmingly to appropriate funds for the continuance of wire-tapping, spying, use of stool pigeons, operation of government speakeasies, and the employment of ex-convicts.

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NOT all the current mysteries are the product of the Wickershammers, however. When the $116,000,000 public-construction bill was before the Senate—as the Administration's principal contribution to the relief of unemployment—Senator Couzens offered an amendment to provide that contractors engaged on those government projects be required to pay the scale of wages prevailing in the localities where the work was done. It was defeated, but on December 23 a statement was issued at the White House which read as follows:

> The federal government has necessarily required contractors to maintain wage scales at the pre-depression level. There have been some differences with minor contractors but these have been adjusted. The President has informed the various executive departments that the policy of the federal government is that wages on contracts let by the government shall be held up to the standard existing in the district where the work is done.

Nevertheless, officials of the American Federation of Labor report that wages are being cut drastically by contractors engaged on government projects. One such contractor advertised that only Mexican labor would be employed. Others have reduced the wages of skilled mechanics more than 50 per cent. More surprising still, inquiries made at the executive departments by union officials and newspapermen disclosed apparently that no instructions had been received from the White House, and that a number of department heads were letting contracts without any attempt to stipulate wage scales. It recalls the time when the White House issued a press statement announcing that the construction of certain battle cruisers would be suspended. Months later two enterprising reporters ascertained that no such instructions had ever been received by the Navy Department and that work on the cruisers had proceeded according to schedule. This is one of the refreshing features of a Business Administration. The old-fashioned politician was so untrustworthy!

Hunger—1931

By A. ROBBINS

Hickman, Kentucky, January 31

THE magnitude of the drought disaster of 1930 is not realized by the country at large, while only those who have observed them at first hand can have any adequate conception of the tragic and pitiable conditions that prevail in the drought area. The American Red Cross is feeding farm families in more than seven hundred counties scattered through a score of States, but the States hardest hit on the whole are Arkansas, Mississippi, Tennessee, Kentucky, Virginia, Oklahoma, with parts of Texas, Louisiana, Missouri, Alabama, Illinois, Indiana, West Virginia, and Maryland. Final statistics issued by the Weather Bureau indicate that Maryland and Virginia received less rain in 1930 than any of the other States, but crop averages, curiously enough, were lower in Arkansas, Kentucky, Tennessee, and Mississippi. It must also be pointed out that the drought is not yet broken in large sections of this area. Ponds, streams, springs, and wells are still dry and thousands of farmers continue to haul water many miles to supply their live stock as well as their families. The subsoil is almost as dry as it was last September before the scattering fall rains relieved conditions a little in most sections; and unless heavy and continuous rains come soon the subsoil will not be moist enough to grow a good crop in 1931. For instance, the Mississippi River has been lower during the past eleven months than it has ever been known to be.

The drought area may be roughly divided into two sections—the cotton and the tobacco sections. In both of these the tenant-farmer and sharecropper systems are largely prevalent. In those sections where more diversified farming is practiced and live stock is a large farm item, the farmers have been able generally to weather the drought on their own resources, but throughout the cotton and tobacco areas large numbers of tenants and sharecroppers, as well as the farm laborers, have been reduced to absolute want and privation. The outsider may find it hard to believe that hundreds of thousands of farm folk can be starving in the United States in this year of grace, 1931, but it is true nevertheless. Stand in front of any Red Cross headquarters in any one of a thousand communities in the drought area and watch the ragged children, blue with cold and undernourishment, who have come to ask for clothing; anxious men, with large families, waiting to receive the disbursing order that means food for another week; frantic women begging for medical

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aid for babies dying of malnutrition or the many forms of disease that attack the underfed and underclothed.

These people are reduced to such straits not through any fault of their own; they are victims of a system and of the worst drought in recent history. They have weathered lean years before; many of them—in the great Mississippi valley—have weathered several flood disasters; but none of them can remember a year like the past one. They have no resources to see them through an unusually bad year because of the system of sharecropping, which is in general vogue in the cotton country and large sections of the tobacco country. A man with a large family is nearly always in debt to his landlord except in unusually good years. In those years, being what he is, he buys a used automobile. By the next spring he has spent all his money and is back expecting the landlord to "furnish" him through the crop season.

The landlords, in most instances, are doing and have done the best they can. The great majority of them are not much better off today than their tenants. Most of them are heavily mortgaged; their credit facilities are strained to the limit. They hardly know how they are to finance a crop in 1931, and it is impossible for them to take care of their people through this winter. The usual time to start furnishing tenants and sharecroppers is from March 15 to April 1. They are allowed so much a month, according to the acreage they cultivate and the size of their families, on which to live until the cotton is picked and ginned, or the tobacco cut, cured, and stripped. At that time the accounts are cast up and the tenant is given his profit on his year's work, if any. This year few tenants were able to pay their debts to the landlord, and few landlords made enough to pay the taxes on their farms and plantations.

Even among the small farmers who own and work their own farms this has been a year of acute distress. The drought ruined their gardens, cut the corn crop in large areas to almost nothing, reduced the hay crop, and hurt their live stock. On small farm after small farm visited by the writer in several States anxious men and women were wondering how they were going to "get by." That is the general expression in the drought area. If they can just "get by" until spring; if they can just "get by" and make another crop; if it will only be a good crop year and if prices will only be a little better so they can get enough ahead by the fall of 1931 to see them through the winter of 1931-32, they will be satisfied. Gone are any thoughts of new clothes, new cars, new radios; the farmers are thinking in terms of food and feed for family and stock.

Cupboards, cellars, and closets that never before have been bare are swept clean this winter. There was little to "put up." The housewife will tell you that the garden was almost a complete failure, that the fruit did not do much, that even nuts and berries were very scarce. But the biggest worry of the average small farmer in the drought area is the problem of feed for his live stock. His cribs and barns are empty in thousands of cases. He is afraid the government feed loans will not be available in time to keep his stock from dying. In some cases the Red Cross is making allowances for feed to keep work stock alive, but the Red Cross does not have the money to go into any extensive feeding program and few people realize the extent of the feed shortage.

Most of these small farmers and better-class tenants are loath to talk about their troubles, or to write to the newspapers or their Congressmen. They have never been in such a predicament before and they are proud. Most of the population in the drought area is of Anglo-Saxon stock.

I have not mentioned the Negroes specifically for the reason that no distinction is being made in administration of relief between white and black, just as the drought made no distinction when it reduced them to want. In the cotton country, of course, a large number of the sharecroppers and farm laborers are Negroes. On the whole, they are a bit more thrifty and shifty, a bit more loath to ask help, than the whites on the same economic level. However, thousands of them are being fed and cared for by the Red Cross.

The Red Cross is doing its best in this great emergency and the country is fortunate in having an organization able to take over the task; for it is a tremendous job—the biggest job the Red Cross has ever tackled in its history. Beside it the task of feeding and caring for the people left destitute by the Mississippi flood of 1927 seems small. The present disaster is much more widespread, involves much more territory and many millions of people. The Red Cross, unfortunately, has not enough trained workers to fill the need. It must rely on local chapter officers to attend to the details of the relief work in their communities, and, naturally, when untrained workers take over such a task mistakes are made, but so far it appears that the hungry are being fed as fast as possible. The chapters I have seen in operation are doing good jobs, and the thousands of men and women in the hundreds of towns and villages who are giving their time and energy so unselfishly and freely to this work without compensation, without even thought of reward, thanks, or appreciation, deserve the thanks of the nation.

The aid of the Red Cross will tide the drought sufferers over until spring, but the outlook for spring in many sections is none too encouraging to those who know conditions. The drought is not yet broken. Many landlords do not know whether or not they will be financially able to farm their land this year. Much work stock is in too poor condition to work, while in some places many work animals have died. Last but not least, the widespread closing of banks in the drought territory has crippled credit. All these things may make it impossible for thousands of families to earn a living. For those who do find it possible to carry on, future security depends on the yield and price in 1931, and the outlook, for prices at least, does not seem reassuring.

Because the majority of our farmers have been in a bad way for years, even the most prosperous have been hard hit by the drought. The failure of banks in the drought area, largely due to frozen credits, indicates the unsound conditions that prevailed before the drought put the finishing touches on the farmer—as well as on those dependent on the farmer, for conditions in the towns and villages in the drought area are almost as bad as conditions on the farms.

It is probably true that our entire system of farming is wrong and out of date, but it cannot be changed overnight, and meanwhile the drought has brought real suffering, privation, untold tragedy and hardship to hundreds of thousands of American citizens who make their living from the land. Farm relief has been a football of politics and a joke for columnists for years; it is time the nation woke up to the real plight of the farmers, for while farm conditions remain economically unsound the country cannot truly prosper.

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Whose Agent Is He?

By ISABEL PATERSON

WITH all the indignation that has been expressed over the convictions, by paid perjury and framed evidence, of girls charged with soliciting on the streets of New York, the protests have significantly and rather sickeningly avoided touching the real issue. Nobody has cared or dared to face the fact that the law under which such convictions were obtained—and the New York law is typical of most American State laws on the subject—is a source of corruption because it is inequitable by intention. In itself it is a kind of blackmail, being a legalization of privilege, of the double standard.

The definition of the crime or misdemeanor of "soliciting" betrays the determination of those who put it on the statute books and keep it there, to secure a masculine advantage. In earlier times no trouble was taken to disguise the purpose. The inequality of the sexes was not only assumed but stated. Women were frankly penalized in innumerable ways. Often enough it was predicated that they had no standing whatever in law. Only as property were they entitled to legal recognition, and then not for their own benefit but for that of the men of their family, fathers or husbands. On the other hand, some extra responsibility attached to the men of the family. This theory could not maintain itself in a political system based on axiomatic human rights and equality. After hundreds of years of gradual change most of the disabilities of women have been lifted. Even this particular law had to be redrafted in new terms to retain the one here involved.

But in its present form it is rather more obnoxious than before, since it adds hypocrisy to injustice. Men of decent instincts avoid thinking of it. When forced to do so, they save their feelings, if not their self-respect, by denunciation of the mere incidents of its operation. They don't care to stand up in court beside Chile Mapocha Acuna. But that is where they belong, as long as they approve the law.

For if the law is not meant to suppress venal sex relations, then it has no object whatever. Its only possible purpose is to prevent making sex an article of commerce.

Serious reasons, both social and emotional—call them moral and religious, if you prefer—can be adduced against prostitution. Whether or not legislation is an effective means of stopping it is another question, still open to debate. The most stringent laws have failed in the past, under economic pressure. If there is less commercialized vice in the United States than there was, say, thirty years ago, it would seem to be chiefly because the opportunities for women to earn a living in other ways than that of selling themselves have been correspondingly increased.

But a venal sex transaction is an act which requires two principals to commit. There are other crimes of this dual nature, such as bribery, in which the guilt of both parties is obviously equal. Also it is a legal maxim that whoever pays for the commission of a crime assumes full guilt: "Who does it by another does it himself." By these fundamental principles of law the man would be a little more guilty than the woman, having paid for and then participated in the act. To dodge this basic axiom, the law in question was carefully and consciously drawn. The girls are not charged with illicit sex relations, in which some man would necessarily be involved. They are accused of "soliciting." It is thus made a crime—in the present instance, specifically, a misdemeanor—to suggest to another person, a man, that he commit with them an act which is not in itself a crime. Could a more contemptible chicanery be imagined for the purpose of exculpating the man? How are the legislators and magistrates and lawyers engaged in enforcing such a statute, and the worthy citizens who lend it tacit support, any better than the nasty little informer who gives paid testimony?

It may be argued that it is a misdemeanor for a man to "solicit," that is, to accost a woman on the street with improper proposals; and therefore there is no lack of equity. This is another quibble. It is a misdemeanor for any person to annoy any other person, on the street or elsewhere, for no good reason. If one should address a stranger and follow him and persist in talking about the weather, the law would afford protection on request. It is a disorderly act. If any man cares to complain of the undesired attentions of a strange woman he must be heard.

But when the man has followed her, without compulsion, to a room, and further indicated his willingness by some overt sign, such as removing his coat, before the police can break in, after which the woman only is arrested, the travesty of justice is palpable.

With such a law, the employment of an *agent provocateur* inevitably follows. He is pernicious, but he is a symptom; an effect, not a cause. Whose agent is he? The phrase itself reveals a higher responsibility. In short, if prostitution is a crime, and two persons are shown to have intended to commit this crime, then the law has a fair pretext. As it stands, it is devoid of the slightest shred of equity. Puritan laws against sexual immorality have been much jeered at. Certainly it is arguable that they were both harsh and futile. They may have been mistaken, and they might cause resentment, rebellion, and of course lawbreaking. But they do not poison the sources of justice. They don't contravene equity. The issue is drawn on principle, and opinions may be honestly held on either side.

The present law against soliciting is vitiated by the same humbug on the part of respectable people which taints the prohibition law. The sale of liquor is a crime, but not the purchase. The only conceivable object of prohibition is to prevent drinking. It is based on the belief that drinking is wrong. The buyer is the one who intends to drink. But even if he actually does drink the liquor, still he is not guilty under the law, while the vendor is.

In the case of the convicted girls, men are only silencing their own uneasy conscience by an outcry against the police and the decoy. This is nothing new; it is the immemorial way in which respectable people seek to avoid responsibility for an iniquity by which they profit. Before the Civil War slave owners professed to despise slave dealers and over-

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seers, who were in fact their agents, executing their orders. At the same time they defended the institution of slavery, and demanded that the law as embodied in the Constitution be respected. Justice commands respect; it does not need to ask for it.

Good men and true who are willing to defend the law against soliciting, as it stands, ought not to repudiate Chile Mapocha Acuna; they are all members of the same club.

In the Driftway

EVEN in the days of prosperity the Drifter was often troubled by doubts concerning the quality and capacity of that much-touted phenomenon, the American business mind. His worst suspicions have been confirmed, unfortunately, by the spectacle of that mind at work on the first proposition it had ever met which held out no possibility of immediate private gain, namely, the current depression. The Drifter's admiration for the magnificent industrial mechanism that has risen before his eyes within the past twenty years has been seriously undermined by the fact that such inefficient and primitive devices as charity and the bread line can exist in the same country and the same city block as the machine age. Now the Drifter is a humble soul—in some ways. He knows his place, for instance, in the presence of that mysterious and awful science, economics. Nevertheless, he feels quite sure that if he set even his unpretentious brain to the task, he could bring forth some more effective solution for unemployment than football games and apples, not to mention buy-now drives, spruce-up-the-home campaigns, and public works that have, up to the present, yielded a good deal more publicity than work.

* * * * *

IF the works of economic experts and business leaders have been a disappointment, the words of other Americans have been something much less appetizing. Indeed, the depression, like famine, seems to have brought in its wake a pestilence of pettiness. The Drifter could make a list two columns long of examples in this category but he will mention only a few: (1) the pious platitudes of well-fed ministers who have been earning their dole for months with sermons on the spiritual benefits of economic distress and the joy of giving; (2) those "woman's-place-is-in-the-home" economists who suggest that all married women be fired; (3) the barber-chair philosopher who, between applications of the lotion and the talcum (with the "masculine" scent), states firmly that the only people out of work are the ones that don't want to work; (4) the angry opposition of the Great Engineer to the Senate's $25,000,000 food appropriation on the ground that "we should maintain the sound American tradition and a spirit of voluntary aid"; (5) the further smug Republican remark of Representative Wood that government aid to the Red Cross would have a "deadening effect on our sources of generosity." As for Calvin Coolidge's dictum, in discussing unemployment insurance, that "not even the unemployed have a right to what they do not earn," the Drifter would like to ask Mr. Coolidge in person if he thinks he earns the two dollars he gets for each of the puny words he syndicates.

FROM the modern "efficiency" and "service" of his native land, the Drifter turns for relief to ancient Europe, to Mother England where kings and queens still live in castles and the graceful culture of an earlier day survives. And what does he find? He finds that Queen Mary has just packed her two oldest boys off to South America to drum up trade for British Goods, Ltd. He finds, moreover, three paragraphs by Catherine Milnes Gaskell, J. P., in the London *Saturday Review* which read as follows:

> The queen has most graciously let it be known through her lady-in-waiting that she is now constantly wearing a coat of moleskin, as her majesty is anxious to promote the wearing of moleskins among ladies for capes, muffs, and coats, or for gentlemen as waistcoats, to help in all ways English industries.
>
> Every order helps, and ladies and gentlemen have only to order locally or in London such capes, muffs, and waistcoats as they may wish to have.
>
> Formerly mole-catchers were able to get 4d. to 6d. for each good moleskin, now they often receive only ½d. each. Help in this way would be of great value nationally, as it would mean employment and that English hands were doing the work they could do.

So far as the Drifter knows, nothing so beneficial and presumably heartwarming to the English workingman has occurred since the king "let it be known" some months ago that he had purchased two Daimler cars in order to speed up the wheels of British industry.

THE DRIFTER

Correspondence

Rights in Cuba

TO THE EDITOR OF THE NATION:

SIR: The inclosed copy of a letter which I have just received explains itself. For obvious reasons the identity of the writer is withheld.

The conditions portrayed in this letter direct attention to the little-regarded Article IV of the Platt Amendment, which became incorporated in the Permanent Treaty with the United States, signed May 22, 1903. By this article the government of Cuba agreed that "all the acts of the United States in Cuba during the military occupancy of said island shall be ratified and held as valid, and all rights legally acquired by virtue of said acts shall be maintained and protected."

Havana, January 17, 1931

DEAR SIR: On the morning of December 26, 1930, a group of men (about fifteen) surrounded the house of Colonel Aurelio Hevia, entered the house, and, without any judicial order, took him away. Since that moment he has been kept incomunicado, in a dungeon in the military prison of La Cabana fortress (an old fortress of Spanish times). All this has been done in violation of the Cuban constitution and Cuban laws, which prohibit the placing of civilians in military prisons. Colonel Hevia is not a military man, he is a civilian; he was a colonel in the Cuban War of Independence, but he is not and never has been a member of the Cuban army. The Cuban laws prescribe that when seventy-two hours are passed the prisoner must be presented before a judge; in a case when individual rights are suspended this must be done before ten days have passed.

Five writs of habeas corpus have been presented in court. The first one was presented on December 30 before the Supreme

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Court, which declared itself incompetent; the second on December 31 before the third section of the Audiencia of Havana, which denied it on the ground that it was not signed by Colonel Hevia; the third one on January 1 before the first section of the Audiencia, which denied it on the ground that Colonel Hevia was in a military prison by order of an army officer. The fourth writ was presented on January 6 before the second section, which ordered the presentation of Colonel Hevia—the order was disobeyed and the presentation did not take place. The court left things at that, acting against the law which compels it to order the arrest of the person who disobeys a writ of habeas corpus. The fifth writ was not granted on the ground that Hevia was under military orders.

During the present month numerous writs of habeas corpus have been presented in favor of numerous individuals that are in prison by order of Machado; all have been denied. Today, January 17, twenty-two days after the arrest of Colonel Hevia, he has not yet been presented or indicted by any judge. [An Associated Press dispatch reports that Hevia was finally charged for trial on February 2.—EDITOR THE NATION.]

The writ of habeas corpus, the only guaranty the citizens have against the oppression and misbehavior of force, has become merely words on paper in Cuba. Yet this law was promulgated by the American intervention government in Military Order 427 of October, 1900, and today is part of Cuban law.

Would not the United States be justified, in view of Article IV and Military Order 427, in inquiring of the Cuban government just what steps it is taking to fulfil its solemn treaty obligations?

Wellesley, Mass., January 28 LELAND H. JENKS

The Washington Honor Roll

TO THE EDITOR OF THE NATION:

SIR: The one serious criticism of Paul Anderson's Washington honor roll of newspaper correspondents is its incompleteness. To the ten correspondents cited by Mr. Anderson might well be added the following:

LOUIS J. HEATH, of the United Press, for his intelligent and sympathetic Latin American correspondence, as well as HARRY FRANTZ, also of the United Press, for Latin American and other foreign correspondence, including Hawaii and the Philippines. Much of their work does not appear in American papers.

DREW PEARSON, of the Baltimore *Sun*, for keeping the spotlight unflinchingly upon the State Department.

THEODORE C. ALFORD, of the Kansas City *Star*, for being the major source of news concerning the antics of the Federal Farm Board.

RUBY A. BLACK, of the Portland *Evening News*, for supplying the State of Maine with the first Washington correspondence estimating fairly and honorably the achievements and shortcomings of the State's delegation at the Capitol, and making known, likewise for the first time in Maine, the national aspects of the tremendously important power question.

JOHN SNURE, New York *Herald Tribune*, for his conscientious and searching reporting of the United States Senate, despite the handicap of working for an official Republican paper.

FRANKLYN WALTMAN, JR., of the Baltimore *Sun*, for his excellent reporting of the work of the Haitian commission.

MARK THISTLETHWAITE, who has developed an extraordinary faculty for reporting to his constituency in Indiana what goes on underneath the surface in Washington, especially in relation to the power issue.

HENRY HYDE, of the Baltimore *Sun*, for his brilliant and unremitting "debunking."

This list, added to Anderson's, doubtless still falls short of just inclusiveness.

Portland, Maine, January 30 ERNEST GRUENING

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Books, Art, Music, Drama

We Part the Husks

By HAL SAUNDERS WHITE

We part the husks and feed like mice
Upon the grain of paradise.
The secret growing on its stalk
Is always with us when we walk.
The earthquake of a bursting seed,
The dark decision of the bud,
Being a motion in our blood
Is heaven encountered in a deed.

Thomas Mann's Obsession

Mario and the Magician. By Thomas Mann. Translated from the German by H. T. Lowe-Porter. Alfred A. Knopf. $1.50.

AT a small Italian watering-place frequented by foreign tourists a conjurer, Cipolla by name, announces that he will give a performance. Influenced perhaps by the pleas of their two small children, the narrator and his wife decide to attend. Soon it becomes clear that this is to be no ordinary evening of sleight-of-hand and parlor conjuring. This Cipolla, with his ravaged face, his sinister, not undignified deformity, his arrogant grimace, his silver-clawed hunting crop, and his cognac decanter, is no itinerant trickster but a hypnotist of parts. He insinuates numbers into the minds of his audience; forces the village youths to dance to the crack of his whip; entices women from their husbands. "Freedom exists," says Cipolla, "and also the will exists; but freedom of the will does not exist, for a will that aims at its own freedom aims at the unknown." None can withstand him. He draws from his seat the guileless waiter Mario, the friend of the narrator's children, and lo! forces Mario into seeing in him, the humped Cipolla, the face of his beloved. Mario kisses him; is released from the spell. Sobbing with humiliation, he stumbles down the platform steps, turns, and shoots the wonder-worker dead.

To call this the story of "Mario and the Magician" is equivalent to saying that "Moby Dick" is about a mad sea captain who revengefully pursues a white whale and is at last destroyed by his quarry. This tale is brief, simple, a small fragment of life, and "Moby Dick" is as vast as the Pacific; but they are written on the same emotional level. Mann and Melville are identically obsessed: both are tortured by the metaphysical problem of evil, though Mann, writing in a psychoanalytic age, sees evil as illness, as a multiform malady. His is the true *morbidezza*—that concern with death, so far removed from the mere fascination of the decadent, which first troubled, then uplifted Melville and Baudelaire. Confronted with a riotously rotting society, he has sought always the cancerous spots, particularly in their subtler manifestations. From the diseases of its parts he deduces the nature of the whole. The ground-theme of "Buddenbrooks"—what is it but the sickness of an acquisitive society, considered *as* a sickness? To the same problem, more grandly, more elusively treated, the volumes of "The Magic Mountain" surrender themselves. And this little tale of Mario and the magician emerges from the identical preoccupation. It is a study, in terms of pure, unemphatic narrative, of malevolence, of the power the will attains when it is distorted and willing to crucify itself that it may dominate other, healthier wills. "Shall we go away," muses the author, "whenever life looks like turning the slightest uncanny, or not quite normal, or even rather painful and mortifying?" And, as ever, his answer is: "No, surely not."

Had Mann been content merely to pose and examine the problem of the will to evil in terms of Cipolla and Mario, his story would have been interesting, but possibly rather thin, as this sort of symbolism is apt to be. But with weird skill he thickens his narrative, carefully blurs its implications, so that the idea skeleton does not affright us with its bare and pallid bones. By insensible degrees we are led along a pathway of conflict and unwholesomeness, beginning with the petty irritations offered by an overbearing hotel management and closing with a horrible psychic struggle ended only by death. When we reach the last page we realize that it is the honor of the human race which has been resisting the evil Cipolla. Thus the tone of the story preserves a deepening unity of atmosphere which mesmerizes us apart from the incidents themselves. Again, the macabre quality of these incidents is touched with its own special irony when we are bidden to view them through the gleefully uncomprehending eyes of the little children. To them, of course, Cipolla's entire performance is a sort of glorified romp. Who, indeed, can tell how far Mann's irony extends? Is not Cipolla, with his strident and theatrical patriotism, a deep thrust at the domination-ideal of the Fascisti—and a prophecy of the pit they are digging for themselves? Also, and perhaps more obviously, this Cipolla is a type-figure out of Freud: his hump is a symbol of his organ-inferiority, he is destroyed by the very Eros he thinks to mock.

Finally, the chiaroscuro attains an added density and terror through the circumstance that the chief character is both trickster and miracle worker. To that misty mid-region of phenomena which seems to partake both of charlatanry and the supernatural Thomas Mann has always been attracted—witness the manifestation scene in "The Magic Mountain" and his description of the Schrenck-Notzing seances. What attracts the psychologist in him is the ambiguity of the human will which, even when it seeks merely to exercise itself playfully or out of the mere pride of technique, finds itself involved in the darkest of human relationships and even, at times, with powers we cannot or dare not name. Cipolla becomes more than a super-Svengali. The theatrical atmosphere with which he surrounds himself is more than theatrical. It is agonized and broken and disturbing. It haunts us, not like the elegiac violin strains of "Death in Venice," but like a nightmare out of some old Gothic legend.

CLIFTON P. FADIMAN

The Martyrdom of Mr. Justice Brandeis

The Social and Economic Views of Mr. Justice Brandeis. Collected with Introductory Notes by Alfred Lief. The Vanguard Press. $4.50.

SO often have Mr. Justice Holmes and Mr. Justice Brandeis been united in dissent that after "The Dissenting Opinions of Mr. Justice Holmes" the present collection was practically obligatory. The two volumes when read together make the characters of the two great justices emerge clearly by way of contrast. It is an illuminating commentary upon the workings of the human mind that two men who are so profoundly different in their mental constitution and outlook should have been so often companions in dissent. Some literary gentlemen who commented upon the opinions of Mr. Justice Holmes when

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published seemed to discover for the first time that he was not a liberal. Yet he had never pretended to be anything but a constitutional skeptic. He always took particularly great care to say that he was indifferent to the actual merits of the social causes before the court for judgment. That such an attitude of constitutional boredom redounded to the benefit of liberalism is obvious, and that it has been welcomed by liberals is natural and inevitable, but Mr. Justice Holmes never entered any camp. He is the only judge in the history of the court he has adorned who has remained as aloof and unprejudiced in the struggles of classes and factions as it is possible for a human being to be. He has remained always imperturbable and epigrammatic.

Now, on the other hand, Mr. Justice Brandeis is the only judge in the history of the court who has been openly partisan in favor of the common man. It is surely doing him no dishonor (except to mention him in the same breath) to say that he is obviously as much in favor of labor as Judge Parker is in favor of capital, and it may as well be honestly admitted by liberals that the struggle which resulted in the former's confirmation was as inevitable and justifiable as the struggle which resulted in the latter's rejection. If it is important that the Supreme Court be "picked" it may as well be recognized that God will be on the side of those who can marshal the most votes. Mr. Justice Brandeis *is* a liberal. He believes passionately in human rights as above property rights, and is as sensitive to economic injustices as most Supreme Court judges have been indifferent to them. He is an economist where they have been lawyers, and he believes in twentieth-century socialization as they believe in early-nineteenth-century individualism.

Mr. Justice Holmes's Olympian remoteness makes it impossible to regard him as a sacrifice to constitutionalism. But considering the character of Mr. Justice Brandeis, and the character of the Supreme Court, it becomes obvious at once that his membership in it has been a lifelong martyrdom in the public interest. His warm advocacy has condemned him to the pathetic business of teaching elementary economics to the class of jurists who are his colleagues. It has been his fate to attack simple constitutional solecisms with a formidable array of data and statistics. Indeed, the famous Brandeis briefs of the period of his practice before the Supreme Court bar are supposed to have established the furnishing of such material to the jurists on the bench as a new method in constitutional exegesis, although it hardly amounted to more than proving the obvious facts of life. In other words, he has been compelled to devote his energies to establishing beyond the peradventure of a doubt such truisms as that the United States Steel Corporation has a greater bargaining power than an individual steel laborer, or that the Nineteenth Amendment has not abolished the physical disabilities of women. If such a task is not martyrdom the world has never known it. It must particularly tax the patience and the strength of a first-rate economist. Mr. Justice Brandeis seems particularly out of place upon the Supreme Court. From its bench his opinions sound almost paradoxical and utopian. One wonders if he could not have better served the "new freedom" to which he was devoted in his early years from without the court.

Yet, if any radical judges are to be appointed to the Supreme Court in the future, they are far more likely to be of the type of Mr. Justice Brandeis than of Mr. Justice Holmes. At present the Supreme Court is undergoing a rapid change of personnel, and the importance of personalities in the work of the court has been stressed. But the career of Mr. Justice Brandeis makes it quite apparent that while some minor concessions can be won through the influence of individual liberal justices, no really profound and revolutionary modification of the Supreme Court as an institution existing to render stillborn all radical experiments can be accomplished. Constitutional teachers, leaving out of account the uncanny skill of the Supreme Court justices in keeping their ears to the ground to see how much the people will stand, have fallen into the somewhat naive habit of attributing whatever liberalization has taken place in the attitudes of the Supreme Court to the constitutional method of Mr. Justice Brandeis. But it seems difficult to believe that any group of hard-headed lawyers would be so devoid of sense as to believe honestly that to forbid a man to work more than twelve or fifteen hours a day in a factory is to interfere with his freedom of contract. But even if Mr. Justice Brandeis is to be regarded entirely as *deus ex machina*, it must be small comfort to him on blue Mondays. He may well reflect that his martyrdom has in the long run done more harm than good. Both his own and Mr. Justice Holmes's dissents are cherished by liberals, but it may well be that they only serve to lend an appearance of honesty to an institution that must in the very nature of things remain fundamentally iniquitous. As long as voices of dissent issue from the chamber of the Supreme Court itself, the delusive impression is created that the dice are not loaded against the common man. After all, only five justices are needed to prevent "dangerous" tinkering with the Constitution. If, as is often proposed, the Supreme Court is forbidden to hold a statute unconstitutional except by a two-thirds' or three-quarters' vote, the only result would be to make the appointment of liberal justices impossible. From the honest point of view this would be highly desirable. As it is, if our Rulers of America are real Machiavellis, they will appoint radicals to succeed Messrs. Justices Holmes and Brandeis when they have ceased their labors upon the land's highest tribunal.

WILLIAM SEAGLE

Selma Lagerlof's Trilogy

*The Ring of the Löwensköld*s. Selma Lagerlöf. Doubleday, Doran and Company. $3.

SELMA LAGERLÖF'S art is an art rooted in a tradition. Back of the simple audacity in character portrayal lies the author's assurance that these types are familiar to her readers, that a certain homogeneity of feeling concerning the old aristocratic families and their legendary backgrounds persists. For the American novelist every background presented is sectional, and any culture is a veneer upon the changing surface of cultures in this country. Nothing, therefore, may be taken for granted here, no values, no history. But in Sweden there is a literary history and a well-established folk tradition. The romantic and heroic sagas are not lost to the knowledge of the race; they are merely translated into more modern versions. Therefore it is with the greatest economy that Selma Lagerlöf is able to present her story and its character types, all of whom are individualized, each of whom moves within the definition of a certain social rank and attitude.

"The Ring of the Löwensköld*s*" is a trilogy: "The General's Ring," "Charlotte Löwensköld," and "Anna Svard." The first part would seem to be a ghost story only, did it not serve to introduce the curse fallen upon the Löwensköld family. The avaricious ghost is laid, but the curse persists. The two following books indicate how this curse worked upon the characters of the story and, in particular, upon Karl Arthur, the religious fanatic, and his female counterpart, Thea.

The reader is, however, likely to forget the curse entirely, for it is unnecessary to the motivation of such fully analyzed characters as the author now presents. These are men and women controlled not by the supernatural, but by human passion. Here is a study of religious fanaticism which is unforgettable. Karl Arthur, upon whom the curse rests, is a perfectly understandable egocentric and melancholic young boy who

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must find some outlet for his vanity. This outlet comes when he accepts a "faith" and comes to believe himself "like Christ." He is engaged at this time to Charlotte, his cousin, whose essential sanity might save him, since it is in every way the antithesis of his own passion. But he resents this sanity and flees from her to take, as wife, the first woman who may cross his path. He marries the peasant girl, Anna Svard, because over her his pride and egotism may triumph. Poverty and self-torture have become the necessary outward signs now of his religious power. But Anna is better able to endure poverty than he is, and again he finds himself the less important person in a situation. This he cannot endure, so he joins himself to the fanatical Thea, and they go out together to preach on the streets. Karl Arthur's madness grows. He is selfish and cruel to everyone, and all in the name of Christ. Finally he who began by preaching love ends by denouncing all mankind in a kind of frenzy. Gradually this man's fanaticism destroys all whom he might have loved, and the curse is carried out.

As in "The Story of Gösta Berling," Selma Lagerlöf is interested here in the psychology of religious fanaticism, and not in the influence of any so-called curse upon a family. The folk superstition is used and to advantage, but the novel is a powerful study of the disintegration of a character whose powers overleap themselves. EDA LOU WALTON

The Difficulties of Democracy

The Public and Its Government. By Felix Frankfurter. Yale University Press. $2.

THE four Yale Lectures on the Responsibilities of Citizenship which make up this volume have for their respective subjects The Demands of Modern Society upon Government, Does Law Obstruct Government? Public Services and the Public, and Expert Administration and Democracy. Like the Beards in their recent "American Leviathan," Professor Frankfurter concerns himself mainly with the actualities of American government and only secondarily with theories, and frankly warns his hearers that he proposes to offer perplexities rather than guidance. A good deal of guidance creeps in, of course, for citizenship involves moral and intellectual as well as legal obligations, and most of the counsel, while rather obvious, is to the point. We are reminded, for example, that we have not adjusted our thinking to the demands which modern society makes upon government, and view with disquietude the multiplication of laws without sufficiently considering the expanding range of calls which they attempt to meet. The difficulty with the Constitution, again, itself "a strange phenomenon of permanence" as constitutions go, seems to Professor Frankfurter to be not so much with the instrument as with the judges who interpret it, and his survey of the judiciary offers some sharp criticism of the Supreme Court. The criticism is widened when the subject of the regulation, and particularly the valuation, of public utilities is reached, and Professor Frankfurter sees that question standing in the forefront of State and national issues now and in the immediate future.

The guidance is less certain when we come to democracy. Professor Frankfurter insists that democracy is not contracting its territorial spread except in Italy, but he appears unable to find anything better to say for it than that its "ultimate justification . . . still remains the lack, in the long run, of a decent and workable substitute"—a negative commendation which contrasts strikingly with "the lyric note which characterized the democratic faith a hundred years ago." If we cannot be entirely comfortable under democracy in this time of disillusionment and machine civilization, we may at least hope that popular education will improve, scientific study of governmental problems be more generally applied, and a high standard of civil service prevail over the demand for spoils. All this, of course, is merely the hopeful note which most holders of university public lectureships feel obliged to sound before they get through. Professor Frankfurter's final lecture would have been more worth while if he had more thoroughly exposed the difficulties of democracy in a technological age, as the second would have been better if he had not straddled the issue of the Eighteenth Amendment. WILLIAM MACDONALD

A German Caricaturist

Das Neue Gesicht der Herrschenden Klasse. Sechzig neue Zeichnungen von George Grosz. Berlin: Malik-Verlag. 4 and 6.50 marks.

Die Gezeichneten. Sechzig Blätter aus Fünfzehn Jahren von George Grosz. Berlin: Malik-Verlag. 4 and 6.50 marks.

THERE can be no doubt that since his stay in Paris the work of George Grosz (an exhibit of which can now be seen at the Weyhe Gallery) has entered a new stage. In 1917, when he was one of the leaders of the revolutionary dada movement in Germany, and for some years to follow he was not concerned with visible reality, but aimed solely at stressing traits in the individual which were socially significant. These earlier drawings, with their contempt for perspective and substance, in which all walls were transparent and the persons wore their faces like masks, achieved immediate fame by the way in which they overpowered the spectator. Each sketch reported an infinity of minute traits, observed with the most cruel accuracy, and assembled so as to call forth the wrath of heaven upon the Germany of the war and the "inflation." George Grosz's craftsmanship was then mainly admired, or abused, as the means by which he lent expression to his revolutionary ethical pathos. His realism, which, for instance, caused the confiscation of his "Ecce Homo," lay entirely in the unsparing cruelty with which he reported facts; there was no trace of it in his technique.

Of the present two collections, "Die Gezeichneten" contains sixty drawings culled from earlier collections and chosen to illustrate the artist's development over a period of fifteen years. Although neither chronologically arranged nor including exactly his best, and most bitter, drawings, the selection gives a fair idea of the development of that unique artist and, incidentally, furnishes a commentary on the reverse side of Germany's reconstruction.

"Das Neue Gesicht der Herrschenden Klasse" (The New Face of the Ruling Class), a sequel to Grosz's famous collection called "The Face of the Ruling Class," besides containing some older material and some of Grosz's purely political cartoons, includes a few drawings which manifest, by the delightful way in which they catch actual types, characterizing rather than caricaturing them, that they are of recent date. Both collections are splendidly printed, and sell at a price that must seem incredibly low to American book lovers.

Both collections, however, above all present George Grosz the fighting satirist, the champion of a social cause. There is another George Grosz who employs a mixture of tempera and oil wherever it is necessary to enhance the structural lines of his intensely realistic paintings, an artist whose nature studies and portraits have won even critics whose political antagonism caused them to heap personal abuse upon the satirist. As he grows more mature, concern with form seems to prevail more and more over an interest in the subject of his work; a development which is to be welcomed, as, once Grosz was stamped the "Daumier of our age," the danger was imminent that he would forever imitate himself. WALTER KIEN

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Books in Brief

Together Again. By Helen Grace Carlisle. Jonathan Cape and Harrison Smith. $2.

Miss Carlisle is a story-teller. She has the gift of clutching a reader and holding him to the end of her story and making him believe, against his wish, every word she has to say. But the next morning he is apt to sober up. She has power and passion, and for each of her novels she has developed an original technique that seems almost perfect. And each of her novels marks an advance, a definite forward step. With her natural gifts she will bear watching. Her chief fault lies in a certain superficiality that, with the aid of the new psychology, leads her to make her stories "work out" rather than grow. "Mothers Cry" had moments of power and truth. It had a moment or two of near-greatness. But after all was over, the critical reader had a serious relapse. In "Together Again" the Boy, the Girl, and the Doctor (none of the characters have names) form a triangle which, though not new, remains unusual and is here developed with conviction. But it is supported on the same flimsy structure. The psychology is too ready-made; the technique a little too obvious; the whole a little too stagy. One would like to see Miss Carlisle do, instead of a fourth "stunt," a novel that in its purely surface aspects was wholly conventional.

The Water Gipsies. By A. P. Herbert. Doubleday, Doran and Company. $2.50.

This long novel, modern in its psychology but strangely reminiscent of Dickens, is about an attractive little London housemaid who becomes a model to improve her "stattus," and who lives with her queer, mild father and her sister, a working-class beauty, on an old barge moored to the bank of the Thames. The story is about her and her adventures with her three men—Fred, the stodgy and faithful, a bargeman as were his father and his grandfather and his great-grandfather before him; Ernest, the socialist agitator, the son of the widow proprietor of the Black Swan; and Mr. Bryan, the aristocrat turned bohemian artist. A. P. Herbert is a genial and delightful story-teller. But if there is none of the false sentimentality, the unreal development of plot, the artificial moral groundwork of Dickens in his novel, neither are there the infectious humor, the irresistible characters, the inexhaustible gift of invention which testify to Dickens's genius. But this is a good story. All is by no means beer and skittles with Jane Higgins and her little circle but, first and last, there is a great deal of both between the covers of this "true story" of London work-a-day life.

White Jade. By Maude Meagher. Houghton Mifflin Company. $2.

There is a tale in China, based on historic fact, which like the Occidental story of Cleopatra is told again and again—that of Yang Kuei-fei, the imperial concubine, whose body was like "an altar lamp carved of clear white jade"—so perfect in her loveliness that the Emperor Ming Huang, hypnotized by her beauty, forgot his other three thousand women, and to gratify her slightest desire discarded everything else. With one of China's greatest emperors now unconcerned with state affairs, the court became more and more demoralized, until another of Yang Kuei-fei's lovers, yearning for her, captured the city, and the people demanded her death. Before they had seized her, she had hanged herself. Maude Meagher has attempted to tell this tale in English and to tell it by imitating the involuted and exaggerated style of Chinese prose, with its frequent bursts into poetry. Such a style, with its heavy embroidery

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and inevitable repetitions, is apt to seem dull to most Western readers, though the translation a short time ago of the authentic "Tale of Genji" was eagerly received here, and Miss Meagher's tour de force is not without delicacy and charm.

A Modern Galaxy. Assembled by Dale Warren. Houghton Mifflin Company. $3.

This collection of short stories seems designed as a piece of publicity for its publishers. It is a kind of publicity of which we could stand a great deal more. All the contributors are Houghton Mifflin authors and the book that results from its editor's selection is a fascinating one. The stories, arranged alphabetically according to authors, are of all kinds; but each in its field is good. Sabatini's Blood Money stands in contrast to Willa Cather's poignant Double Birthday. Harold Nicolson's brilliant, sophisticated portrait study, Lambert Orme, precedes Roland Pertwee's charming short piece of youth and old age and fishing called The River God. Mary Austin and Oliver La Farge write diverse studies of the American Indian. John Buchan contributes a mystery tale, while Henry Sydnor Harrison is represented by an unusual detective story. Choices will differ. In the opinion of one reader Katherine Newlin Burt with her story Herself, Willa Cather, and Anne Douglas Sedgwick with The Rat carry off highest honors. But Esther Forbes, Phyllis Bottome, James Norman Hall, Dennis Mackail, Elsie Singmaster—all are very much in the running.

The White Devil. By Luis de Oteyza. Translated from the Spanish by Frederic Tabor Cooper. Frederick A. Stokes Company. $2.

Luis de Oteyza, globe-trotter and journalist, had put together several vivacious but not epoch-making compilations and travelogues, when suddenly, in the year 1928, he startled Spanish readers with a daring novel of a Barcelona bookkeeper's frenetic adventures in revolutionary China. This Spanish Richard Harding Davis found himself an internationally famous novelist almost overnight. The novel was speedily translated into almost all the leading European languages except English. The belated English version, an excellent one, has at last appeared. This narrative homily on the demoralizing effect which the cruelty and corruption of the Orient may have on the sedatest of Occidentals, is full of blood and sadism and cynicism; but it moves like a Kansas cyclone, and the best way to keep from reading it through is not to read the first page.

River to the Sea. By George Agnew Chamberlain. Brewer and Warren. $2.

Here is another of those romantic novels the receipt for which is: one fairly sophisticated young man to meet one glowing, earthy, utterly unsophisticated young girl, a veritable child of nature. In this case the girl is possessed of a magnificent voice and comes of an interesting family, all of whom are individualists with a touch of mystery. The young man undertakes to educate the child of nature, and of course ends by falling in love with her. The book is well written and even, in its way, convincing; the locale of the story, the Connecticut hills near Torrington, allows for some pleasant description of the countryside.

Egil's Saga. Translated from the Icelandic by E. R. Eddison. The Macmillan Company. $5.

Mr. Eddison has attracted attention for his remarkable novels "The Worm Ouroboros" and "Styrbion the Strong," historical romances that had their impulse in saga literature. In the present work he pays homage to his source by a direct translation of what is regarded as artistically one of the most perfect of the sagas, and the most representative, in its totality, of the Icelandic civilization of which the sagas are the classics. With this version Mr. Eddison takes rank as the foremost translator of the sagas. His efforts to equate in modern English the effects of the saga style result sometimes in archaic passages, but on the whole his rendering is remarkably sensitive. Added to the text are valuable introductory material, notes that are in themselves penetrating and informative, short essays on phases of saga literature, and a long and interesting article on the principles of translation.

A History of Spanish Civilization. By Rafael Altamira. Translated by P. Volkov. Richard P. Smith. $5.

This volume, edited with an introduction by J. B. Trent, is the author's own abridgment of his well-known four-volume "History of Spanish Civilization." It is obviously designed to appeal to two groups of readers, the interested layman and the student of Spanish history and culture. Into 240 pages are packed an amazing amount of material on the arts, crafts, sciences, trades, and social and economic development of Spain. The space given to political events and international relations is consequently restricted, a fact that doubtless will fail to satisfy the expectations of those who interpret history chiefly in terms of past politics. Spain of ancient and medieval times is given considerable attention. The contributions of the successive invaders to Spanish culture are estimated with the accuracy and fairness of the historical scholar. In dealing with overseas expansion and its effect upon Spain, the author is equally capable. He clearly portrays how colonization drained the mother-country of its best blood, its ablest administrators, and in the end contributed to its rapid political and economic decline. In the last chapter the author has sketched the developments of Spain during the nineteenth and twentieth centuries. His treatment, although brief, helps toward an understanding of the difficult problems confronting present-day Spain. The book contains fifty admirably chosen collotype plate illustrations and an excellent bibliography.

Ballads and Poems, 1915-30. By Stephen Vincent Benét. Doubleday, Doran and Company. $2.50.

Stephen Benét has collected his verses of the past fifteen years and presented them in a single volume which indicates clearly that his is a talent for light verse in particular, for fantasy, gaiety, and facile lyricism. His later attempts at serious poetry are less successful than, for example, the delightful Rosemary poems of several years ago. When he would be serious, this poet is likely to show his worst faults: his overelaborate and at times absurd imagery, his too great agility in rhymes, his general superficiality of conception. But none of these faults mar seriously his light verse. And although he has not the intellectual wit or fine craftsmanship of the English light-verse writer Q (Quiller-Couch), he is probably one of the most graceful of the American ballad and parody writers.

Art

Bread Lines and a Museum

GRAY bread lines wound about city blocks refer us to the Museum of Modern Art. Pardon, this connection of the miserable state of things with the conduct of an institution for the appreciation of painting and sculpture is not frivolous, the phantom of a narrow aesthetic preoccupation, given to moonraking among splendid objects. It is a very pertinent and realistic one. Together with its purely aesthetic virtue, the work of art has a property, possibly identical with

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its aesthetic one, of intense practical value in a practical world; it has a power of quickening, orientating, humanizing. And when the effects of arrogance, insensitivity, and mismanagement shriek on every side, it is perhaps anything but irrelevant to recognize the partial responsibility of all those in whose hands one of society's best means of consciousness, vision, and self-knowledge is consistently misused—and, because of its strategic position, that of the well-meaning but pathetically blind management of the museum in the Heckscher building in particular.

Art—one is obliged to say it again and again—is not an entertainment. Art is a shock of reality, a communication of the sense of life. What is revealed to the colorist, the sculptor, the draftsman in inspiring visual and sensuous images or material balances is the present way of things and the forces at play in man, the wonder of creation in its affinitive horror and splendor, the exquisitely articulated structure of life. The pregnancy of his medium, the problem of the relationship of lines and shapes and volumes demanding solution by whatever means the artist has or can invent, is but the effect of the stimulating impact of life on his intimate philosophy, referred by his aesthetic nature to his material. The quality of the object he produces is itself merely the result of complete responsiveness to the vision or image or material balance; the power to reproduce itself in the mind; inhering in proportion to the force of the inspiring idea, and the relentlessness of the selection of detail making for clarification. In the beginning, there is the sense of life, the picture of things, the shorthand expression of what exists. And in the end, there is the sense of life, the system of values, the shorthand expression of what is at work and going on.

And what in the world is more generally useful than direct, untheoretical contact with things, to the man who wishes to sell a pair of shoes no less than to the statesman and philosopher in their watchtowers? The success of the narrowest as well as the widest interests very largely depends on it. It quickens and orientates and humanizes. It adjusts the balance. It yields intimations of the trend of the world, the state of human forces. Flaubert was perhaps not merely boastful when he asserted that had the authorities comprehended "L'éducation sentimentale," the Franco-Prussian War might have been avoided. And whether or not it can actually control the course of events, the sense of life can at least prepare for them, forearm for them. Even in distress and defeat the recognition of an impersonal, almost abstract adventure is the most serviceable of possessions, standing with the poor devil in the bread line, modifying even the ultimate agonies.

But the virtue inclosed in art as richly as in any other human product renders its light to society only when a sense like that which produced it presents it to the world. If the work of art is to function, the feeling of livingness, the intuition of the forces at play in man and in the continually changing balance of nature, must be as largely present in the showman, the museum director or curator, as in the artist himself. The director too must have the compulsion to clarify what is in process of creation, the sense that certain representations are well-nigh categorical and salutary because of all that is living today. Existence itself must always have an absolute meaning, interest, and satisfactoriness for him, no matter what its condition; even though tomorrow the heavens themselves should fall. Perception of quality is ultimately dependent on such artistic feeling; and the efficient showman must not only be able to recognize quality, he must be able to recognize what expressions are relevant to and illuminant of the present moment, and what ordering and disposition can help them to effectiveness. Above all, he must be able to understand the new expression almost unbearable because of its radicalism, its relation to what folk are living today and still not aware of—the truth that has not yet a name.

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Cimarron—Globe—B'way and 46 St.
Free Love, beginning Sat., Feb. 7; Tol'able David, beginning Wed., Feb. 11—Plaza—58 St. E. of Madison Ave.
Nar Rosorna Sla Ut—(Swedish)—5 Ave. Playhouse—66 Fifth Ave.

Music

Philharmonic Symphony, Molinari, conducting—Carnegie Hall—Thurs. eve., Feb. 5; Fri. aft., Feb. 6; Thurs. eve., Feb. 12, and Fri. aft., Feb. 13. Zimbalist, soloist. Thurs. eve., Feb. 19, and Sat. aft., Feb. 20.
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Philadelphia Orchestra—Carnegie Hall—Tues. eve., Feb. 10.
Cyrena Van Gordon, Contralto—Carnegie Hall—Fri. eve., Feb. 13.
Serge Rachmaninoff—Carnegie Hall—Sat. aft., Feb. 14.
Myra Hess, pianist—Town Hall—Sun. aft., Feb. 15.
Friends of Music, Friedrich Schorr, soloist—Serious Songs of Brahms—Metropolitan Opera House—Sun. aft., Feb. 15.
Beethoven Association—Town Hall—Mon. eve., Feb. 16.
Musical Art Quartet—Town Hall—Tues. eve., Feb. 17.
Leon Theremin—Ether Wave Instrument—New School for Social Research—Tues. eve., Feb. 17.

Now, there can be no doubt that what has been absent in Washington, in Wall Street, all over the land has been the direct feeling of life. Unpreparedness has been almost criminal. And while it would be absurd to lay special blame for the almost universal failure on such things as museums of art, their form of inactivity is none the less too influential a contribution to the general stupefaction to bear passing over. They are the guardians of the sibyls, and have not been able to exploit their sentences. They have not found means of showing art significantly, relevantly. An amount of vital strategy no doubt is at work in certain of them. One glimpses it in Newark and Brooklyn. One hears of it in Boston. But it is not large—possibly on account of the terrific handicap under which the form of their bequests places the managements. Hampering provisos usually accompany them. Still, one suspects that the inefficacy of most of these institutions is due to something besides lack of funds. They frequently come into possession of important works, both old and new. They have ample opportunity to use their halls to reflect whatever illumination art can throw on life; and one tediously finds them grouping works by schools and periods. It is more likely that the nigger is a very vague sense of what art is all about.

That is what the Museum of Modern Art makes one feel. Few institutions are more admirably situated to refract the peculiar light of art than this one is. It is endowed to house running exhibits of contemporary and recent art. It has a metropolitan seat; it is free of the responsibility, incumbent on certain other galleries, of supporting a number of workers. While it has the general purpose of forming a permanent collection and of constituting the modern museum the Musée du Luxembourg so miserably fails of being, this objective would by no means interfere with its use of art to reflect and clarify the present world. But in the long year of its existence the museum has failed to make any genuine connection between art and life, and has succeeded only in compromising the endeavor it pretends to foster. True, it has advertised modern art; and it has shown many interesting works by important contemporaries. But in all its exhibitions there has been no vestige of a creative idea; no order, significance, development. It began by showing the work of four dead Frenchmen; and followed it by an exhibition of nineteen living Americans, in which good and bad, important and unimportant work was jumbled together. None of its shows have been living issues. Daumier hung on its walls awhile, but his social revolutionary idea was not built up into the present through Forain and the rest of his successors. A number of inferior Americans have made their appearance there; meanwhile, the idea of a photographic show has been rejected by the direction; nor is there any sign of an architectural or a water-color exhibition. And yet photography, architecture, and water color happen to be three arts particularly germane to the present American temper, and of great future importance.

Not only are all vestiges of ideas wanting in the exhibits; traces of a sense of quality are equally absent. While Mr. Goodyear and his henchmen have shown Paul Klee, they have also thought fit to introduce Hassam, Tack, and others of like accomplishment into a museum of "modern" art. The directors seem to have no sense of workmanship, of what is good and what is bad, of what is interesting as "life" and art and what is dead. Nor have the exhibits been hung with effect or point. And the lighting is indifferent. And the background is inappropriate. Indeed, one is finally obliged to ask whether, in their blind attempts to advertise modern art, these gentlemen have not befuddled the whole issue and confused the present American effort to produce the seer, the artist.

Again, let us repeat, it is with regret that we find ourselves forced to challenge the museums, in particular the Museum of Modern Art. The intentions of the latter have

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been especially serious. Its attitude has been most kindly. Its benefactions have been numerous. But when the country, beginning with the Eminent Personage in the White House, seems to be suffering from nothing so much as from an incapacity to face reality and accept the world as it is, it is perhaps a not unpardonable offense to point to the misuse of a power most gloriously able to correct the all-too-human tendency to evade the facts.

PAUL ROSENFELD

Music

Toscanini

ON the occasion of Mr. Toscanini's vacation from the conductor's stand of the Philharmonic Symphony Society it is perhaps worth while to consider a few of the elements that contribute to his extraordinary artistic and popular success. It may as well be admitted at the outset that a portion of his spell is in the remarkable magnetic force of his personality. There are certain artists, oratorical and dramatic as well as musical, who, although not by any means all of equal artistic stature, make the same sort of direct personal appeal. Each listener or spectator at times feels a special personal understanding and sympathy, even affection, for the artist. Briand, Duse, Chaplin, Kreisler, Myra Hess—all have worked, in varying degrees, this same sort of personal spell. With Chaplin, of course, it is an integral part of his art—he has the good fortune to be his own interpreter. In orators, actors, and musicians it is a dangerous power, and the listener needs constant critical alertness to separate the artistic from the quasi-hypnotic.

But the force of this power wears off a good deal after frequent hearings over a considerable period. Mr. Toscanini can still burn us with the ecstasy of Wagner or Brahms. But he gives us almost no illusion of warmth nowadays from the tepid theatrics of his composer-countrymen. The spell of the magnetic personality enhances the effect of whatever truly artistic ability its owner possesses long after its power to deceive has worn off. That is to say, the truly great qualities of an interpreter can be adequately observed only when the material he interprets is adequate. Just as full knowledge of a composer's greatness can be approached only when the greatest performers give life to his conceptions, so the insight of such interpreters can be fully measured only in the greatest works.

It is frequently objected that certain works of the masters are imperfect as to form or mediocre as to content, and that to make them seem perfectly proportioned or weighty with meaning is to inject something that does not belong to them. Toscanini's performance of the "Pastoral" Symphony of Beethoven is instanced. It is true that under his baton it seems better unified, less repetitious, than ordinarily. But the fact that even so one still hears imperfections in the work is proof that he has merely penetrated farther into its inner logic than most of us—not added to it, nor glossed over real faults.

Complete absorption in the music itself is the condition upon which excellent performance is based, I think, and Toscanini fulfils it more completely, perhaps, than any other musician. The extraordinary thing with him is that he is acutely alert to a whole work at once. His architectural sense consists not in an understanding of the structural plan but in a feeling for it as intense as Kreisler's feeling for the phrase.

He is, in the best sense, phenomenally long-winded; he can play on a single rhythmic "breath" for minutes on end. And this is exactly what the greatest composers demand—

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deep breaths, taken seldom. (I call a breath the moment of rhythmic relaxation, the caesura, that comes at the end of a musical idea.) The immense difficulty of proper rhythmic breathing is twofold. Refusal to yield anything to the demands of the phrasing results in the inflexible, nervous, often exciting performances of Landowska and Samuel. Preoccupation with individual phrases to the exclusion of their place in the larger scheme leads men like Koussevitzky and Iturbi into fragmentary and sentimental performances. The latter tendency is by far the more common and the one that Toscanini never shows. On the other hand, he does occasionally tend toward inflexibility (as in the Beethoven First Symphony, early in the season). Perhaps at these times, for one reason or another, the emotional content of the music is less vivid to him than usual, and he falls back on classical conviction and principle.

Besides his extraordinary rhythmic understanding, and connected with it, his greatest single distinction is in the phenomenal climaxes that he builds. "The word *crescendo*," said Hans von Bülow, "implies *piano*." *Ritardando*, he might have added, implies *accelerando*. There are physical limits to dynamic intensity and rhythmic deliberation, and one can make a climax *really loud and really deliberate chiefly by contrast with what* has preceded it. To hear Toscanini build a climax, carefully holding back his *crescendo* and his retard, is to realize for the first time the full import of Bülow's remark. Without any forcing of tone and without the slightest exaggeration of the rhythmic emphasis he achieves climaxes for which the overworked word "incandescent" is truly appropriate.

In a small space it is possible to hint at only the most salient virtues of so extraordinary a man. But when one considers his unfailing virtuosity and the versatility of his imagination, in music from Mozart to Wagner and from "La Mer" to "Pacific 231," one begins to realize the height of the standards by which we now must judge conductors. And Mr. Molinari, who stands the test amazingly well, must realize that the warmth of his reception is temperate only because we hear him through ears made cruelly fastidious.

ARTHUR MENDEL

Drama

Oklahoma and the Riviera

MUCH has been made of the novelty which Lynn Riggs slipped into Broadway through one of its many side doors when the Theater Guild last week put on his Indian Territory folk-play, "Green Grow the Lilacs" (Guild Theater). It was indeed a novelty, but I suspect that the discussion of it has for the most part lacked the proper emphasis. There has been a tendency, for instance, to say that Mr. Riggs with one puff blew artifice out of the theater, replacing it with the strong, free, natural air of life as it is lived, or was lived, in one very real portion of this inhabited continent. If there was something naive and undramatic about the piece, that didn't at all matter—in fact, it made it what it was, and stood as nothing less than a guaranty of the author's sincerity, and of his desire to bring a full-bodied population into the region of thin wings.

But "Green Grow the Lilacs" was packed with devices that are very old on this or any other stage; it thronged with easily recognizable properties; it was one of the least natural pieces imaginable. The hero, for instance, was a cowboy—and might not one have expected that he would be fine and hearty, rough but good, with a grand flow of words on every occasion except that of his wooing, when of course he would be stricken

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dumb? Might not one have foreseen, given as setting an Oklahoma farmhouse, the presence there of somebody's old aunt, a woman with a kind and knowing heart but with a pretty tart tongue? Couldn't one have looked forward to seeing a lovely, timid heroine threatened by a dark, designing villain with a dirty mind—a hired man, perhaps? What would be surprising about the arrival of a Jewish peddler with a derby on his ears and with a pack of trinkets at his feet which he gesticulatingly recommended? Might there not also be a fat, ridiculous neighbor girl whose gaucherie would contrast with the rather miraculous grace of the heroine, though both were farmer misses? And wouldn't such a contrast make a pleasant parallel to the contrast already established between the sunny-hearted cowboy and the dark-minded hired man? Nor would a rustic dance be out of order, or a set of local songs.

Of such things was Mr. Riggs's piece composed. Which is not saying at all that it was anything less than it should be. It should have been, and decidedly was, a play that could be thoroughly enjoyed in the theater. The theater is not an exhibit hall for nature, it is hardly convertible into a museum of ethnology. Mr. Riggs must have known very well what he was about when he refrained from taxing the powers of his audience's attention in the mere matter of plot. He made his story conventional so that we could be free to listen to his language. That was his novelty, and that deserves the praise. I haven't the slightest idea whether the speeches he put into his people's mouths were authentic or not, nor do I care; but I know that they were good to hear—rich, full, and carefully flavored. After the first few minutes, in which they seemed a bit forced, we became accustomed to them and soon got to listening for only them. It is really an event on Broadway when the audience grows interested in the language of a play. In that sense "Green Grow the Lilacs" was a triumph, and an important one. Also, it was triumphantly staged. Franchot Tone, Helen Westley, June Walker, and Richard Hale contributed greatly to the success of the whole affair, since their acting was lively and imaginative. And the group-singing of old songs between the scenes was done with precisely the proper lack of professional pose.

I suppose that the critic who would rave over the freshness of Mr. Riggs's play would rave over the staleness of "Private Lives," Noel Coward's new bit of fluff at the Times Square Theater. But "Private Lives" is stale only in so far as we have seen almost exactly the same thing done a number of times before. To an Oklahoma cowboy I can imagine it coming with a very considerable degree of novelty. The folkways of sophisticates in the Midi—the long, slender cigarette-holders, the gigantic brandy glasses, the mysteries of overnight divorce, the subtle sense of just what is tiresome in conversation and what is not—these would have their fascination. This would be a folk-play, too. The only difference for us is that we know the folk. Mr. Coward relies upon that knowledge, and succeeds chiefly by what he does not say. He does manage to give a neat, new turn to the old story; and he does manage to keep his audience laughing from first to last by appealing to their further knowledge of what it would be old stuff to have his ladies and gentlemen remark in the familiar crises that come with coffee and cocktails. The dialogue is certainly funny, and the whole thing is very amusing. The effect of the brief speeches, however, depends so entirely upon the situations in which they are made tonight that it will be quite impossible to remember them tomorrow. One will remember the delicious acting of Mr. Coward and of Gertrude Lawrence. But in what play?

Samuel Shipman's "She Means Business" (Ritz Theater) is about woman in the office and the home, and it is probably true. But in no sense whatever is it original.

MARK VAN DOREN

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Prince Max and the Peace Treaty

[*Margrave Berthold of Baden has just made public a letter which his father, Prince Max of Baden, wrote a few days before his death to Prime Minister Ramsay MacDonald. Prince Max saw clearly, as far back as 1919, that the inequities of the Versailles treaty unless corrected were likely to lead to national and social upheaval in Europe, and as recently as October, 1929, he predicted that a Germany deprived of hope with respect to revision of the treaty would turn away from peaceful means of obtaining liberation. The statement of Margrave Berthold in which the letter is incorporated is here published in English for the first time.*]

I AM in a position today to make public the letter which my father, Prince Max of Baden, wrote to the British Prime Minister, Mr. Ramsay MacDonald, in October, 1929, in answer to a message of sympathy which he had received on his sick bed. This was his last letter; he died on November 6, 1929.

EXTRACT FROM LETTER FROM PRINCE MAX OF BADEN TO MR. RAMSAY MACDONALD

Salem-Baden, October 7, 1929

I wish I could profess my faith in the League of Nations, but such a profession would be a lie coming from me. Only considerations of expediency can lead the German nation to Geneva as long as there is no hope of undoing the wrong of Germany's eastern and the Austro-Italian frontier.

I am sure we still ought to wait for many years to come, and my last message to my countrymen will be a plea for patience, but in this letter I think it incumbent upon me to utter a frank warning: without any hope, however distant, of the revision of the Versailles treaty Germany will not look to pacifism for her liberation. Those who believe in force as the dominant factor abroad and are encouraged by Italy's example even at home draw their strength from the Versailles treaty and its broken pledges. (I may refer here to my analysis of the agreement of the Fourteen Points of November 5, 1918, in the second volume of my "Memoirs," page 369.)

Millions of Germans are ready to believe in the new world which you have proclaimed at Geneva, provided they are made to feel that at least the Labor Party of Great Britain is ready to face the realities of the international situation and is loath to see the grand structure erected on a rotten foundation; so that we are not called upon any more to regard the Versailles treaty as a holy shrine which ought not to be tampered with.

[*Signed*] MAX PRINCE OF BADEN

The analysis of the Fourteen Points to which my father refers in this letter was first published on June 11, 1919, as a last warning against the signing of the treaty.* It is perhaps appropriate to quote the following passages:

If the Treaty of Versailles now comes in place of peace, then the 15,000,000 who will be *de trop* [*sic*] in Germany cannot be expected simply to die out quietly, and thus if Germany's fetters are not broken, we shall experience a fratricidal struggle more terrible than all that war and the armistice have brought upon us.

The newly created Poland, too, would become the scene of uninterrupted struggles for liberation.

Even should the inconceivable happen and a German government be found ready to give up Upper Silesia or East Prussia or West Prussia, these German territories would not be willing to give up Germany.

To establish by force a Polish imperialism as planned by the Entente means doing a great wrong even to the Poles themselves, who would be able to administer a national state but are not equal to the task of ruling one composed of heterogeneous nationalities.

The Poles are unscrupulous guardians of the national minorities intrusted to their care—today just as much so as in the days of the Polish republic. I need only refer to the news of Polish pogroms which is now appearing daily in the English press, in particular to the report of the American food expert, Mr. Zuckermann (*Manchester Guardian* of May 9), on the massacre at Pinsk, which was furthered by the local authorities and condoned by the government.

To put the peace treaty into execution means moving the frontier . . . of the pogrom countries further west.

Here the objection may be made that revision will soon come *even if Germany signs*. There is a mistake in the calculation here. On the conclusion of peace the victors will first of all be occupied in celebrations and festivities, and after that their own internal problems will absorb all the available energy of the peoples. . . . There will be no demand on the part of public opinion for the statesman-like effort necessary to save and reorganize Europe. And such a demand is the only thing that really counts.

It is true that revision of the peace treaty would be bound to come, even after signature; but it would come piecemeal and haphazard. On every hand the oppressed would break loose from their chains. Europe would become a chaos of national and social upheaval.

* This article was first printed in the *Berliner Tageblatt* and has since been reprinted in the "Memoirs of Prince Max of Baden." Authorized translation by W. M. Calder and C. W. H. Sutton. London: Constable and Company, 1928.

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